#### YOUNG CONAWAY STARGATT & TAYLOR, LLP

BEN T. CASTLE
SHELDON N. SANDLER
RICHARD A. LEVINE
RICHARD A. ZAPPA
FREDERICK W. 109ST
RICHARD H. MORSE
DAVID C. MCBRIDE
JOSEPH M. NICHOLSON
CRAIG A. KARSNITZ
BARRY M. WILLOUGHBY
JOSY W. INGERSOLL
ANTHONY G. FLYNN
JEROME K. GROSSMAN
EUGENE A. DIPRINZIO
JAMES L. PATTON, JR.
ROBERT L. THOMAS
WILLIAM D. JOHNSTON
TIMOTHY J. SNYDER
BRUCE L. SILVERSTEIN
WILLIAM W. BOWSER
LARRY J. TARABICOS
RICHARD A. DILIBERTO, JR.
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CASSANDRA F. ROBERTS
RICHARD J. A. POPPER
TERESA A. CHEEK
NEILLI MULLEN WALSH

JANET Z. CHARLTON
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MICHAEL R. NESTOR
MAUREEN D. LUKE
ROLIN P. BISSELL
SCOTT A. HOLT
JOHN T. DORSEY
M. BLAKE CLEARY
CHRISTIAN DOUGLAS WRIGHT
DANIELLE GIBES
JOHN J. PASCHETTO
NORMAN M. POWELL
ELENA C. NORMAN

THE BRANDYWINE BUILDING 1000 WEST STREET, 17TH FLOOR WILMINGTON, DELAWARE 19801

P.O. Box 391 Wilmington, Delaware 19899-0391

> (302) 571-6600 (800) 253-2234 (DE ONLY) FAX: (302) 571-1253

110 West Pine Street
P.O. Box 594
GEORGETOWN, DELAWARE 19947
(302) 856-3571
(800) 255-2234 (DE ONLY)
FAX: (302) 856-9338

WWW.YOUNGCONAWAY.COM

DIRECT DIAL: (302) 571-6681 DIRECT FAX: (302) 576-3333 msharp@ycst.com SEAN M. BEACH
SANJAY BHATNAGAR
DONALD J. BOWMAN, JR.
MICHELE SHERRETTA BUDICAK
JEFFREY T. CASTELLANO
KARA HAMMOND COVILE
KRISTEN SALVATORE DEPALMA
MARGARET M. DIBIANCA
MARY F. DUGAN
ERIN EDWARDS
KENNETH J. ENOS
IAN S. FREDERICKS
JAMES J. GALLAGHER
SEAN T. GREECHER
STEPHANIE L. HANSEN
PATRICK A. JACKSON
DAWN M. JONES
KAREN E. KELLER
JENNIFER M. KINKUS
EDWARD J. KOSMOWSKI
JOHN C. KUFFEL

SPECIAL COUNSEL JOHN D. MCLAUGHLIN, JR. KAREN L. PASCALE PATRICIA A. WIDDOSS TIMOTHY E. LENGKEEK
ANDREW A. LUNDGREN
MATTHEW B. LUNN
ADRIA B. MARTINELLI
KATHALEEN MCCORMICK
MICHAEL W. MCDERMOTT
TAMMY L. MERCER
MARIBETH L. MINELLA
EDMON L. MORTON
D. FON MUTTAMARA-WALKER
JENNIFER R. NOEL
ADAM W. POFF
SETH J. REIDENBERG
SARA BETH A. REYBURN
CHERYL A. SANTANIELLO
(NJ & PA ONLY)
MONTÉ T. SQUIRE
MICHAEL P. STAFFORD
CHAD S.C. STOVER
JOHN E. TRACEY
TRAVIS N. TURNER
MARGARET B. WHITEMAN

SENIOR COUNSEL CURTIS J. CROWTHER

OF COUNSEL BRUCE M. STARGATT STUART B. YOUNG EDWARD B. MAXWELL, 2ND

November 6, 2007

#### BY E-FILE

The Honorable Joseph J. Farnan, Jr. United States District Court, District of Delaware 844 North King Street Wilmington, DE 19801

Re:

NICE Systems, Inc. and NICE Systems, Ltd. v. Witness Systems, Inc.

C.A. No. 06-311 (JJF)

Dear Judge Farnan:

I write on behalf of my clients, Plaintiffs NICE Systems, Inc. and NICE Systems, Ltd. (collectively, "NICE"), to forward the attached Claim Construction Chart. It has been revised to eliminate withdrawn claims.

Obviously counsel is available should Your Honor have any questions.

Respectfully

elanie K. Sharn (No. 250)

MKS

cc: Clerk of the Court (by Hand Delivery)

William J. Marsden Jr., Esquire (by Hand Delivery)

NICE v. Witness, Civil Action No. 06-311-JJF (D. Del.)

# I. CLAIM CONSTRUCTION AGREED TO BY THE PARTIES

NICE Systems Inc. and Witness Systems Inc. agree to the proposed construction for the following claim terms:

PATENT	RELEVANT CLAIM   CL	CLAIM TERM	PROPOSED CONSTRUCTION
U.S. No. 5,396,371	Claim 8	partition	A portion of a random access storage (RAS) device.
U.S. No. 6,249,570	Claim 6 and 7	lifetime of the telephone call	An entire telephone call.
U.S. No. 6,728,345	Claim 14 and 40	lifetime of a telephone call	An entire telephone call.
U.S. No. 6,728,345	Claim 40	participant	An entity that is involved in a phone call which can include people, voice response units or placeholders from parties being placed on hold.
U.S. No. 6,785,370	Claim 1 and 27	lifetimes of telephone calls	Two or more entire telephone calls.
U.S. No. 7,010,109	Claim 1	communication device	A device used for transmitting and/or receiving audio and/or video information.
U.S. No. 7,010,109	Claim 1	conference call	A multi-participant session, even if only two participants are present, one of which is a recording device.
U.S. No. 7,010,109	Claim 1	participant	A communication device or recording device which is present on a conference call.

There are 35 non-duplicative claim terms in need of construction by the Court. These disputed claim terms along with the parties' respective proposed construction and citation to intrinsic support are set forth below. The parties have jointly filed an appendix containing copies of the intrinsic and extrinsic evidence relied on by each party.

### AMENDED JOINT CLAIM CONSTRUCTION NICE v. Witness, Civil Action No. 06-311-JJF (D. Del.)

# II. DISPUTED CLAIM TERMS AND PROPOSED CONSTRUCTIONS

U.S. PATENT NO. 5,396,371	NICE'S DISPUTED CLAIM TERMS	WITNESS' DISPUTED CLAIM TERMS	NICE'S PROPOSED CONSTRUCTION	WITNESS' PROPOSED CONSTRUCTION
1. In a method of storing and retrieving audio from a digital audio logger, the steps comprising:				
monitoring an audio source,				
storing audio data from the audio source in a <b>buffer</b> ,		buffer	Memory used for temporary storage of data.	Device in communication with the digital audio tape and the random
			<u>Intrinsic evidence:</u>	temporarily stores data.
-			Abstract	Intrinsic evidence:
			col. 2: 45-47 col. 3: 63-65	'371 Patent, 1:47-54, 2:40-54, 3:63-68, Figure 1, Abstract (WSNSDE0008692-99).
				'371 Prosecution History, Amendment pg. 2, dated June 23, 1994 (WSNSDE0008667-70).
writing the audio data from the buffer onto a <u>digital</u>	digital audio tape	digital audio tape	Tape used to store digital data.	Magnetic tape designed for storage of audio in digital form.
audio tape and a random access storage device, and			Intrinsic evidence: Abstract	Intrinsic evidence:
				'371 Patent, 1:50-53, 2:47-48, Figure 1 (WSNSDE0008692-99).
		writing the audio data from	NICE has provided constructions for "buffer" and "digital audio	Transferring audio data from the buffer directly to both a digital

U.S. PATENT NO. 5,396,371	NICE'S DISPUTED CLAIM TERMS	WITNESS' DISPUTED CLAIM TERMS	NICE'S PROPOSED CONSTRUCTION	WITNESS' PROPOSED CONSTRUCTION
		the buffer onto a digital audio tane and a	tape." The remaining words have a plain meaning that is clear and do not require further construction	audio tape and a random access storage device simultaneously.
		random access storage device	NICE notes that Witness has withdrawn "random access storage device" as a claim term in need of construction.	Intrinsic evidence: '371 Patent, 1:50-53; 3:65-68, Abstract, Figure 1 (WSNSDE0008692-99),
			Intrinsic evidence: See citations to intrinsic evidence for "buffer" and "digital audio tape."	'371 Prosecution History, Amendment pg. 2, dated June 23, 1994 (WSNSDE0008667-70).
				'371 Prosecution History, Notice of Allowability pg. 2, dated September 19, 1994 (WSNSDE0008672-74)
retrieving audio from the random access storage device while audio data is written into the digital audio tape and the random				
access storage device.				
8. An audio data storage device, comprising:				

U.S. Patent No. 5,396,371	NICE'S DISPUTED CLAIM TERMS	WITNESS' DISPUTED CLAIM TERMS	NICE'S PROPOSED CONSTRUCTION	WITNESS' PROPOSED CONSTRUCTION
a random access storage device having a primary partition for storing audio data and a secondary	pair of pointers		Digital information used to read data from and write data to a storage component.	Two pointers facilitating the simultaneous retrieval of data from the random access storage device and the writing of data thereto.
partition for storing means for locating data on said primary partition and a pair of pointers in communication with said random access memory, a first of said pointers being			<u>Intrinsic evidence:</u> Fig. 1 col. 1: 55-68 col. 2: 48-54 col. 4: 1-20	Intrinsic evidence: '371 Patent, Abstract, 1:55-67, 3:2-6, 4:20, 4:35-38 (WSNSDE0008692-99).
operated to transmit data to said random access storage device and the second of said pointers being				'371 Prosecution History, Amendment pg. 3, dated June 23, 2004 (WSNSDE0008667-70).
operative to retrieve audio data from said random access storage device.				'371 Prosecution History, Notice of Allowability pg. 2, dated September 19, 1994 (WSNSDE0008672-74).

WITNESS' PROPOSED CONSTRUCTION			Means for converting analog voice signals to digital voice signals.	Intrinsic evidence:	'005 Patent, Fig. 1, 1:40-44, 2:7-18,	(WSNSDE0008925-32).											-				
NICE'S PROPOSED CONSTRUCTION			A packaged assembly of electronic components that converts analog	voice signals to digital voice signals.	Intrinsic evidence:	Figs. 1, 2	col. 1: 24-28	col. 2: 7-18	col. 2: 55-67	col. 3: 1-18	col. 4: 13-32	col. 4: 36-41	'005 Prosecution History, Appeal Brief, p. 3, 6 (Apr. 1995)	'005 Prosecution History, Exam	Answer, pp. 4-9 (Jun. 1995)	'005 Prosecution History, Office	Action, p. 6 (Nov. 1995)	'005 Prosecution History,	Preliminary Amendment, pp. 7-12 (Mar. 1996)	'005 Prosecution History, Office	Action, pp. 2-5 (Aug. 1996)
WITNESS' DISPUTED CLAIM TERMS			circuit modules	converting													•				
NICE'S DISPUTED CLAIM TERMS																					
U.S. PATENT NO. 5,819,005	1. A modular digital recording logger, comprising:	a housing;	at least two circuit modules in said housing for	converting analog voice signals to digital voice	signals, each of said circuit modules including at least	two terminals for receiving said analog voice signals.	each of said terminals being	capable of receiving said	analog voice signals for	conversation;											

U.S. PATENT NO. 5,819,005	NICE'S DISPUTED CLAIM TERMS	WITNESS' DISPUTED CLAIM TERMS	NICE'S PROPOSED CONSTRUCTION	WITNESS' PROPOSED CONSTRUCTION
	analog voice signals		An electrical wave used to convey voice information.	Plain language.
			Intrinsic evidence:	
			Figs.1, 2	
			col. 1: 39-44 col. 2: 46-55	
			'005 Prosecution History, Appeal	
			2005, p. 0 (Apr. 1992) 2005 Prosecution History	
			Preliminary Amendment, pp. 16-17 (Mar. 1996)	
a circuit in said housing for		a circuit for	An assembly of electronic	Means for compressing that is
compressing said digital		compressing	components that compresses digital	separate from the means for
voice signals received from each of said circuit modules			voice signals.	converting analog voice signals to digital voice signals and contained
to provide compressed			Intrinsic evidence:	within the same housing.
voice data,			Figs. 1, 2	
			col. 1: 48-50	Intrinsic evidence:
			col. 2: 14-25	'005 Patent, Fig. 1, 1:45-52, 2:15-
		•	col. 3: 25-30	32, 4:54-56 (WSNSDE0008925-
			col. 4: 6-9	32).
			col. 4: 36-41	
			col. 4: 61-67	'005 Prosecution History, Appellant
			claim 8	Brief pg. 6, dated March 21, 1995
			claim 18	(WSNSDE0008764-72).
			'005 Prosecution History,	

U.S. PATENT NO. 5,819,005	NICE'S DISPUTED CLAIM TERMS	WITNESS' DISPUTED CLAIM TERMS	NICE'S PROPOSED CONSTRUCTION	WITNESS' PROPOSED CONSTRUCTION
			Response, p. 4 (Aug. 1994)  '005 Prosecution History, Amendment, p. 4 (Jan. 1995)  '005 Prosecution History, Appeal Brief, p. 6 (Apr. 1995)  '005 Prosecution History, Exam Answer, pp. 4-9 (Jun. 1995)  '005 Prosecution History, Reply Brief, pp. 2-6 (Aug. 1995)  '005 Prosecution History, Office Action, p. 5 (Nov. 1995)  '005 Prosecution History, Office Action, p. 5 (Nov. 1995)  '005 Prosecution History, Office Action, pp. 2-5 (Aug. 1996)	
a first bus in said housing for providing communication between said circuit module and said compressing circuit;				
a multiplexer circuit in said housing for providing communication between said compressing circuit and said first bus, wherein said multiplexer circuit multiplexes voice signals exchanged between said compressing circuit and				

U.S. PATENT NO. 5,819,005	NICE'S DISPUTED CLAIM TERMS	WITNESS' DISPUTED CLAIM TERMS	NICE'S PROPOSED CONSTRUCTION	WITNESS' PROPOSED CONSTRUCTION
said circuit modules on said first bus; and				
a digital audio tape (DAT) drive for storing said	digital audio tape		Tape used to store digital data.	Magnetic tape designed for storage of audio in digital form.
compressed voice data.			Intrinsic evidence:	Intrinsic evidence:
			col. 1: 54-57	'005 Patent, 2:36-45, 3:34-59, 3:65-
			col. 2: 35-45	4:5 (WSNSDEUU08925-52).
	,		col. 3: 30 - col. 4: 5	
			'005 Prosecution History, Office Action, p. 3 (May 1994)	
			'005 Prosecution History,	
			Amendment, pp. 3-4 (Jan. 1995)	
			'005 Prosecution History, Appeal Brief, pp. 3-6 (Apr. 1995)	
			'005 Prosecution History, Exam Answer, pp. 4-9 (Jun. 1995)	
11. A network system of modular digital recording loggers, comprising:				
at least two digital recording loggers for logging voice				
recording loggers comprising:				
a housing;				
a circuit in said housing for converting <u>analog voice</u>		a circuit for converting	An assembly of electronic components that converts (i) analog	Means for converting analog voice signals to digital voice signals and

U.S. PATENT No. 5,819,005	NICE'S DISPUTED CLAIM TERWS	WITNESS' DISPUTED CLAIM TERMS	NICE'S PROPOSED CONSTRUCTION	WITNESS' PROPOSED CONSTRUCTION
signals to and from digital voice signals, said circuit modules including at least two terminals for receiving said analog voice signals, and wherein each of said terminals is capable of receiving said analog voice signals for recording a twoway conversation,			voice signals to digital voice signals and (ii) digital voice signals to analog voice signals.  Intrinsic evidence: Figs. 1, 2 col. 1: 24-28 col. 2: 7-18 col. 2: 55-67 col. 3: 1-18 col. 4: 13-32 '005 Prosecution History, Appeal Brief, p. 6 (Apr. 1995) '005 Prosecution History, Exam Answer, pp. 4-9 (Jun. 1995) '005 Prosecution History, Office Action, p. 5 (Nov. 1995) '005 Prosecution History, Preliminary Amendment, pp. 7-12 (Mar. 1996) '005 Prosecution History, Office Action, pp. 2-5 (Aug. 1996)	contained within the same housing.  Intrinsic evidence: '005 Patent, Fig. 1, 1:40-44, 2:7-18, 2:55-67, 3:1-6, 3:12-15, 4:54-56 (WSNSDE0008925-32).
	analog voice signals		An electrical wave used to convey voice information.  Intrinsic evidence: Figs. 1, 2 col. 1: 39-44	Plain language.

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U.S. PATENT NO. 5,819,005	NICE'S DISPUTED CLAIM TERMS	WITNESS' DISPUTED CLAIM TERMS	NICE'S PROPOSED CONSTRUCTION	WITNESS' PROPOSED CONSTRUCTION
			col. 2: 46-55 '005 Prosecution History, Appeal Brief, p. 6 (Apr. 1995) '005 Prosecution History, Preliminary Amendment, pp. 16-17 (Mar. 1996)	
a circuit in said housing for compressing said digital voice signals received from each of said circuit modules to provide compressed voice data,				
a first bus in said housing for providing communication between said circuit module and said compressing circuit,				
a multiplexer circuit in said housing for providing communication between said compressing circuit and said first bus, wherein said multiplexer circuit multiplexes voice signals exchanged between said compressing circuit and said circuit modules on said first bus,				
a digital audio tape (DAT) drive for storing said	digital audio tape		Tape used to store digital data.	Magnetic tape designed for storage of audio in digital form.

NICE v. Witness, Civil Action No. 06-311-JJF (D. Del.)

U.S. PATENT No. 5,819,005	NICE'S DISPUTED CLAIM TERMS	WITNESS' DISPUTED CLAIM TERMS	NICE'S PROPOSED Construction	WITNESS' PROPOSED CONSTRUCTION
compressed voice data,			Figs. 1, 2 col. 1: 54-57 col. 2: 35-45 col. 3: 30 - col. 4: 5 v005 Prosecution History, Office Action, p. 3 (May 1994) v005 Prosecution History, Amendment, pp. 3-4 (Jan. 1995) v005 Prosecution History, Appeal Brief, pp. 3-6 (Apr. 1995) v005 Prosecution History, Exam Answer, pp. 4-9 (Jun. 1995)	<u>Intrinsic evidence:</u> '005 Patent, 2:36-45, 3:34-59, 3:65- 4:5 (WSNSDE0008925-32).
a hard disk drive in said housing for storing and reproducing said compressed voice data,				
a first computer in said housing for operating said DAT drive and/or said hard disk drive to store and reproduce said digital voice signals, and				
a second bus in said housing for connecting said computer to said hard disk drive and said DAT drive;				
a second computer for processing compressed				

U.S. PATENT NO. 5,819,005	NICE'S	WITNESS'	NICE'S PROPOSED	WITNESS' PROPOSED
	DISPUTED CLAIM TERMS	DISPUTED CLAIM TERMS	CONSTRUCTION	CONSTRUCTION
digital voice signals				
received from each of said	*****			
recording loggers; and				
a third bus connecting each				
of said recording loggers to				
said second computer.				

US PATENT NO. 6,249,570  US PATENT NO. 6,249,570  DISPUTED  CLAIM TERMS  6. A method for recording information regarding one or more segments, comprising:  (a) receiving audio data regarding one or more segments  (b) receiving audio data relephone call regarding one or more segments	S ED	WITNESS'	NICE'S PROPOSED	WITNESS, PROPOSED
10 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	)ED		- 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1	
	TERMS	DISPUTED CLAIM TERMS	CONSTRUCTION	CONSTRUCTION
tolonhono coll commonts	ne call ts	telephone call segment	Pieces of an entire telephone call.	Portion of a phone call that is bounded by telephony events.
relating to one or more			Intrinsic evidence:	
telephone calls, and data			Abstract	Intrinsic evidence:
regarding telephony events			Fig. 15	'570 Patent, 58:11-16
associated with said			col. 2: 52 - col. 3: 23	(WSNSDE0009192-254).
relephone call segments;			col. 4: 46 - col. 5: 8	
			col. 5: 66 - col. 6: 16	'370 Prosecution History, Second
			col. 7: 1-28	dated August 15, 2001
			col. 8: 1-16	(WSNSDE0010051-56).
			col. 20: 34-52	
			col. 21: 31-44	
			col. 26: 17-38	
			col. 28: 25 - col. 29: 5	
			col. 29: 37-64	
			col. 32: 21-37	
			col. 47: 50 - col. 50: 12	
			col. 55: 47-57	
			col. 57: 17 - col. 61: 10	
			col. 62: 2 - col. 64: 34	

US PATENT No. 6,249,570	NICE'S DISPUTED	WITNESS' DISPUTED	NICE'S PROPOSED CONSTRUCTION	WITNESS' PROPOSED CONSTRUCTION
	CLAIM I EKWS	cLAIM LERMS telephone call	"Telephone calls" has a plain	Entire conversation with an entity
			meaning that is clear and does not require further construction.	from a caller's perspective, including transfers and conferences.
				Intrinsic evidence:
				'570 Patent, col. 8, II. 5-11 (WSNSDE0009192-254).
	telephony	telephony event	Actions or occurrences (e.g., called	Actions or occurrences detected by
	events		party and calling party numbers,	a computer program and that are
	880 844 Avenue		trunk and channel ID, date and time or agent ID), which are related to	related to what happens to a phone call (such as the initiation of the
			telephone calls, that are detected by	call, the addition or removal of
	200000		a computer program.	callers, the transfer of the phone call, or the termination of the call),
			Intrinsic evidence:	and are not identifying numbers.
			Abstract	Agent-carcied anomation is not data regarding telephone events.
	٠		Fig. 4	
			Fig. 6	Intrinsic evidence:
			Fig. 7	'570 Patent, 7:11-13;
			Fig. 9	(WSNSDE0009192-254).
			col. 1: 34-54	
			col. 2: 9-24	'345 Prosecution History, Second
			col. 3: 16-23	Preliminary Amendment, pg. 9,
			col. 6: 35-54	dated July 23, 2001
			col. 7: 1-59	(WELLECONO +60-70).
			col. 8: 1-34	"7706 Proceemation History, Second
			col. 8: 35-47	Preliminary Amendment, pg. 7-9.
			col. 10: 10-30	dated July 13, 2001

NICE v. Witness, Civil Action No. 06-311-JJF (D. Del.)

(b) storing the received audio data regarding telephone call segments; (c) storing the received data regarding telephone call segments; (d) identifying telephone call segments; (e) constructing a data representation of the telephone call segment and the location of the stored audio data of that segment and the	WITNESS' NICE'S PROPOSED WITNESS' PROPOSED  DISPUTED CONSTRUCTION CONSTRUCTION  CLAIM TERMS
data representation	col. 14: 60 - col. 25: 47 (WSNSDE050988-97).
data	col. 27: 6-64 '370 Prosecution History, Second Col. 30: 16-23 Preliminary Amendment, pg. 4,
data representation	ol. 32: 67 I. 64: 34
data	
data	
data  defime representation  using  ony  the  usof  lerein  na  na  na  na  na  na  na  na  na	
	Digital representation of data.  Data structure that represents an object as a single identifiable entity.
	Intrinsic evidence:
	Fig. 16
	Fig. 16b
	F1g. 18
-	C01. 2: 32-3: 23
	col. 5: 14 - col. 6: 16

WITNESS' PROPOSED CONSTRUCTION		call-centric data record of the telephone call that includes a detailed cumulative start-to-finish history of a telephone call, including all telephony events and participants. The data representation represents only the telephone call, is not event-centric, and is not constructed on a 1-to-1 basis for the events during the total lifetime of a call.  Intrinsic evidence:  '570 Patent, 5:20-23; 6:10-11; 7:11-28; 8:1-16; 8:35-47; 20:34-60; 21:31-35; 21:59-22:1; 28:40-29:15; 30:19-23; 33:17-20; 36:23-27; 36:47-38:65; 42:21-25; 54:18-26;
NICE'S PROPOSED CONSTRUCTION	col. 6: 29-67 col. 7: 1-28 col. 8: 34-65 col. 14: 12-37 col. 20: 53 - col. 22: 8 col. 24: 35-46 col. 25: 48 - col. 26: 8 col. 25: 48 - col. 26: 8 col. 29: 6-15 col. 29: 37 - col. 30: 8 col. 29: 37 - col. 55: 57 col. 62: 2 - col. 64: 34	Data (e.g., voice information and/or metadata) representing an entire telephone call.  Intrinsic evidence: Abstract Fig. 10 Fig. 16 Fig. 16 Fig. 18 col. 2: 52 - col. 3: 23 col. 2: 52 - col. 6: 16 col. 5: 14 - col. 6: 16 col. 6: 29-67 col. 7: 1-28 col. 8: 34-65
WITNESS' DISPUTED CLAIM TERMS		data representation of a lifetime of the telephone call
NICE'S DISPUTED CLAIM TERMS		
US PATENT NO. 6,249,570	duration of that segment.	

AMENDED JOINT CLAIM CONSTRUCTION NICE v. Witness, Civil Action No. 06-311-JJF (D. Del.)

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US PATENT NO. 6,249,570	NICE'S DISPUTED CLAIM TERMS	WITNESS' DISPUTED CLAIM TERMS	NICE'S PROPOSED CONSTRUCTION	Witness' Proposed Construction
			col. 14: 12-37 col. 20: 53 - col. 22: 8 col. 24: 35-46 col. 25: 48 - col. 26: 8 col. 29: 6-15 col. 29: 37 - col. 30: 8 col. 31: 11 - col. 55: 57 col. 62: 2 - col. 64: 34	Figs. 16, 16B; 7:13-16; 20:34-60; 25:52-55; 26:16-20; 27:18-24; 28:45-48; 30:19-23. (WSNSDE0009192 -254).
		constructing a data representation of a lifetime of the telephone call using data regarding telephony events associated with the telephone call segments of the telephone call segments	NICE has provided constructions for "data representation of a lifetime of the telephone call," "telephony events," "telephone call segments" and "telephone call." The remaining words have a plain meaning that is clear and do not require further construction.  Intrinsic evidence:  See citations to intrinsic evidence for "data representation of a lifetime of the telephone call," "telephony events," "telephone call," "telephony events," "telephone call."	Using data regarding telephony events to associate telephone call segments of a telephone call to form a data representation of the lifetime of the telephone call, and not using an identifier or key to form the data representation.  Intrinsic evidence: '570 patent, 20:15-32; 26:55 – 27:6; 27:29-64; 31:39 – 32:50.  (WSNSDE0009192 - 254).  '345 Prosecution History, Second Preliminary Amendment, pg. 9-10, dated July 23, 2001  (WSNSDE0009486-98).
7. A method for recording information regarding telephone calls comprising one or more segments, comprising:				

US PATENT NO. 6,249,570	NICE'S DISPUTED CLAIM TERMS	WITNESS' DISPUTED CLAIM TERMS	NICE'S PROPOSED  CONSTRUCTION  Discon or notions of a tolonbox	WITNESS' PROPOSED CONSTRUCTION
regarding one or more telephone call segments	celepnone call	terepnone cau segment	rieces or portions of a telephone call that are each bounded by telephony events.	Fortion of a phone call that is bounded by telephony events.
telephone calls, and data				Intrinsic evidence:
regarding telephony events			Intrinsic evidence:	'570 Patent, 58:11-16;
associated with said			Abstract	(WSNSDE0009192-254).
telephone call segments,			F1g. 15	
wherein the data regarding			col. 2: 52 - col. 3: 23	'370 Prosecution History, Second
terephony events is			col. 4: 46 - col. 5: 8	Preliminary Amendment, pg. 6,
sources connected to a			col. 5: 66 - col. 6: 16	dated August 15, 2001
telephone switching			col. 7: 1-28	(WSNSL/EUU10031-30).
environment, wherein at		**************************************	col. 8: 1-16	
least one of the sources is a			col. 20: 34-52	
one of the sources is not a			col. 21: 31-44	
real-time link;			col. 26: 17-38	
			col. 28: 25 - col. 29: 5	
		***************************************	col. 29: 37-64	
***************************************			col. 32: 21-37	
			col. 47: 50 - col. 50: 12	
			col. 55: 47-57	-
			col. 57: 17 - col. 61: 10	
			col. 62: 2 - col. 64: 34	
		telephone call	"Telephone calls" has a plain	Entire conversation with an entity
			meaning that is clear and does not require further construction.	from a caller's perspective, including transfers and conferences.
				Intrinsic evidence:

US PATENT NO. 6,249,570	NICE'S DISPUTED CLAIM TERMS	WITNESS' DISPUTED CLAIM TERMS	NICE'S PROPOSED CONSTRUCTION	WITNESS' PROPOSED CONSTRUCTION
				'570 Patent, col. 8, Il. 5-11. (WSNSDE0009192-254).
				'370 Prosecution History, Second Preliminary Amendment, pg. 6, dated August 15, 2001 (WSNSDE0010051-56).
	telephony	telephony event	Actions or occurrences (e.g., called	Actions or occurrences detected by
	events		party and calling party numbers, trunk and channel ID. date and time	a computer program and that are related to what happens to a phone
			or agent ID), which are related to	call (such as the initiation of the
			telephone calls, that are detected by	call, the addition or removal of
				call, or the termination of the call),
		,	Intrinsic evidence:	and are not identifying numbers.
			Abstract	data regarding telephone events.
			Fig. 4	)
			Fig. 6	Intrinsic evidence:
			Fig. 7	'570 Patent, 7:11-13:
			Fig. 9	(WSNSDE0009192-254).
			col. 1: 34-54	
			col. 2: 9-24	'345 Prosecution History, Second
		-	col. 3: 16-23	Preliminary Amendment, pg. 9,
			col. 6: 35-54	dated July 23, 2001
			col. 7: 1-59	(WSINSDEOUS).
		- Marian	col. 8: 1-34	706 P IIi.
		-	col. 8: 35-47	Voc riosecution rastory, second Preliminary Amendment, pg. 7-9
			col. 10: 10-30	dated July 13, 2001

NICE v. Witness, Civil Action No. 06-311-JJF (D. Del.)

Ä	中心是一个人的人的 医红色的 人名 人名 人名 人名	221		
	DISPUTED CLAIM TERMS	DISPUTED CLAIM TERMS	CONSTRUCTION	CONSTRUCTION
			col. 14: 60 - col. 25: 47	(WSNSDE050988-97).
			col. 26: 55-64	
			col. 27: 6-64	'370 Prosecution History, Second
		The second	col. 30: 16-23	Preliminary Amendment, pg. 4,
			col. 31: 10 - col. 32: 67	dated August 15, 2001
			col. 62: 2 - col. 64: 34	(W SINSLESO 1005 1-50).
rea	real-time link		A data link providing data	Data link that provides data
			regarding telephony events during	defining events during the call and
			telephony event	With occurrence of the events.
				Intrinsic evidence:
		***************************************	Intrinsic evidence:	'570 Patent, 5:48-65; 6:35-54;
			Abstract	55:35-46. (WSNSDE0009192-254).
			col. 2: 9-3: 11	
			col. 3: 16-23	
			col. 5: 48-64	
		•	col. 6: 35-54	
	***************************************		col. 8: 35 - col. 9: 27	
			col. 11: 11 - col. 12: 16	
			col. 20: 15 - col. 21: 4	
			col. 24: 35-46	
			col. 26: 29-54	
			col. 32: 57-67	
			col. 33: 18-32	
			col. 43: 10-22	
			col. 47: 50-67	
			col. 50: 30-43	

NICE v. Witness, Civil Action No. 06-311-JJF (D. Del.)

US PATENT NO: 6,249,570	NICE'S DISPUTED CLAIM TERMS	WITNESS' DISPUTED CLAIM TERMS	NICE'S PROPOSED CONSTRUCTION	Witness' Proposed Construction
			col. 20: 53 - col. 22: 8 col. 24: 35-46	
			col. 25: 48 - col. 26: 8	
			col. 29: 6-15	,
			col. 29: 37 - col. 30: 8	
			col. 31: 11 - col. 55: 57	
			col. 62: 2 - col. 64: 34	
·		data representation	Data (e.g., voice information and/or metadata) representing an entire	Call-centric data record of the telephone call that includes a
		of a lifetime of the telephone	telephone call.	detailed cumulative start-to-finish history of a telephone call,
		call	Intrinsic evidence:	including all telephony events and
			Abstract	participants. The data
			Fig. 10	telephone call, is not event-centric,
			Fig. 16	and is not constructed on a 1-to-1
			Fig. 16b	basis for the events during the total lifetime of a call
			Fig. 18	module of a can.
			col. 2: 52 - col. 3: 23	Intrincic extidence.
			col. 3: 16-23	670 Data 6:00 03: 6:10 11: 7:11
			col. 5: 14 - col. 6: 16	28: 8:1-16: 8:35-47: 20:34-60:
			col. 6: 29-67	21:31-35; 21:59-22:1; 28:40-29:15;
			col. 7: 1-28	30:19-23; 33:17-20; 36:23-27;
			col. 8: 34-65	36:47 – 38:65; 42:21-25; 54:18-26;
		neces and a second	col. 14: 12-37	r1gs. 10, 10D; /.13-10; 20:34-00;   25:52-55: 26:16-20: 27:18-24
			col. 20: 53 - col. 22: 8	28:45-48; 30:19-23.
			col. 24: 35-46	(WSNSDE0009192-254).
			col. 25: 48 - col. 26: 8	

US PATENT NO. 6,249,570	NICE'S DISPUTED CLAIM TERMS	WITNESS' DISPUTED CLAIM TERMS	NICE'S PROPOSED CONSTRUCTION	Witness' Proposed Construction
			col. 29: 6-15	
			col. 31: 11 - col. 55: 57	
			col. 62: 2 - col. 64: 34	
		constructing a	NICE has provided constructions for "data representation of a	Using data regarding telephony
		representation	lifetime of the telephone call,"	segments of a telephone call to
		of a lifetime of	"telephony events," "telephone call	form a data representation of the
		the telephone	segments" and "telephone call."	lifetime of the telephone call, and
		call using data	The remaining words have a plain	not using an identifier or key to
		regarding	meaning that is clear and do not	form the data representation.
		telephony	require further construction.	
		events		Intrinsic evidence:
		the telenhone	Intrinsic evidence:	'570 patent, 20:15-32; 26:55 – 27:6;
		call segments	See citations to intrinsic evidence	27:29-64; 31:39 – 32:50.
		of the	for "data representation of a	(WSNSDE0009192-254).
	.2	telephone call	lifetime of the telephone call,"	
			"telephony events," "telephone call	'345 Prosecution History, Second
			segments and telephone can:	Preliminary Amendment, pg. 9-10,
				dated July 23, 2001
				(WSNSDE0009486-98).

AMENDED JOINT CLAIM CONSTRUCTION

#### '370 Prosecution History, Second Preliminary Amendment, pg. 6, Portion of a phone call that is bounded by telephony events. (WSNSDE0009192-254) (WSNSDE0009547-611) '345 Patent, 60:64-61:3. (WSNSDE0010051-56). WITNESS' PROPOSED '570 Patent, 58:11-16; dated August 15, 2001 Intrinsic evidence: CONSTRUCTION Pieces of an entire telephone call. col. 49: 56 - col. 52: 66 col. 2: 55 - col. 3: 26 col. 5: 66 - col. 6: 16 NICE'S PROPOSED col. 4: 66 - col. 5: 9 Intrinsic evidence: CONSTRUCTION col. 29: 29-56 col. 26: 11-30 col. 28: 18-65 col. 20: 37-55 col. 21: 34-47 col. 32: 15-31 col. 3: 16-26 col. 8: 1-16 col. 7: 1-28 Abstract Fig. 15 CLAIM TERMS telephone call WITNESS, DISPUTED segment CLAIM TERMS telephone call DISPUTED segments NICE'S U.S. PATENT NO. 6,728,345 telephone call segments; telephone calls with three or 14. A method for recording participants and comprising one or more telephone call regarding one or more (a) receiving audio data comprising one or more information regarding segments, comprising: more participants and

U.S. Patent No. 6,728,345	NICE'S DISPUTED CLAIM TERMS	WITNESS' DISPUTED CLAIM TERMS	NICE'S PROPOSED CONSTRUCTION	Witness' Proposed Construction
			col. 60: 3 - col. 62: 63 col. 64: 55 - col. 68: 42	
telephony events associated with said telephone call segments; telephone call segments.	events	telephony event	Actions or occurrences (e.g., called party and calling party numbers, trunk and channel ID, date and time or agent ID), which are related to telephone calls, that are detected by a computer program.  Intrinsic evidence:  Abstract Fig. 4  Fig. 6  Fig. 7  Fig. 9  col. 1: 37-57  col. 2: 12-27  col. 3: 16-26  col. 3: 16-26  col. 3: 16-26  col. 3: 15-26  col. 3: 15-34  col. 3: 15-59  col. 3: 15-59  col. 3: 15-50  col. 3: 15-60  col. 3: 15-75  col. 3: 15-75	Actions or occurrences detected by a computer program and that are related to what happens to a phone call (such as the initiation of the call, the addition or removal of callers, the transfer of the phone call, or the termination of the call), and are not identifying numbers. Agent-entered information is not data regarding telephone events.  Intrinsic evidence:  '570 Patent, 7:11-13;  (WSNSDE0009192-254).  '345 Patent, 7:11-13.  (WSNSDE0009547-611).  '345 Prosecution History, Second Preliminary Amendment, pg. 9, dated July 23, 2001  (WSNSDE0009486-98).  '706 Prosecution History, Second Preliminary Amendment, pg. 7-9, dated July 13, 2001
			col. 31: 4 - col. 32: 61	(WSNSDE050988-97).

NICE v. Witness, Civil Action No. 06-311-JJF (D. Del.)

U.S. PATENT NO. 6,728,345	NICE'S DISPUTED CLAIM TERMS	WITNESS' DISPUTED CLAIM TERMS	NICE'S PROPOSED CONSTRUCTION	WITNESS' PROPOSED CONSTRUCTION
·			col. 64: 55 - col. 68: 42	'370 Prosecution History, Second Preliminary Amendment, pg. 4, dated August 15, 2001 (WSNSDE0010051-56).
(c) storing the received audio data regarding telephone call segments;				
(d) storing the received data regarding telephone events associated with said telephone call segments;				
(e) identifying <b>telephone call</b> segments that relate to the same telephone call; and		telephone call	"Telephone call" has a plain meaning that is clear and does not require further construction.	Entire conversation with an entity from a caller's perspective, including transfers and conferences.
				<u>Intrinsic evidence:</u> '570 Patent, col. 8, Il. 5-11. (WSNSDE0009192-254).
·				'345 Patent, col. 8,ll 5-11. (WSNSDE0009547-611).
(f) constructing <u>data</u> <u>representations</u> of lifetimes of telephone calls, wherein	data representations		Digital representation of data.	Data structure that represents an object as a single identifiable entity.
said data representations are constructed using data regarding telephony events associated with telephone call segments.			Abstract Fig. 16 Fig. 16b	<u>Intrinsic evidence:</u> '570 Patent, col. 18, Il. 26-35; 28:40-51. (WSNSDE0009192-254).

6-26 5 - col. 3: 26 6-26 5 - col. 6: 16 9-67 -28 4-65 18-43 56 - col. 21: 7 30-41 40-67 66 - col. 29: 8 29-67 4 - col. 58: 64 55 - col. 68: 42 formation and/or metadata) ting an entire telephone ting an entire telephone  5 - col. 3: 26	U.S. PATENT NO. 6,728,345	NICE'S DISPUTED CLAIM TERMS	WITNESS' DISPUTED CLAIM TERMS	NICE'S PROPOSED CONSTRUCTION	WITNESS' PROPOSED CONSTRUCTION
col. 3: 16-26 col. 5: 15 - col. 6: 16 col. 6: 29-67 col. 7: 1-28 col. 8: 34-65 col. 14: 18-43 col. 20: 56 - col. 21: 7 col. 25: 40-67 col. 25: 40-67 col. 29: 29-67 col. 29: 29-67 col. 31: 4 - col. 58: 64 col. 64: 55 - col. 68: 42 For each telephone call, data (e.g., voice information and/or metadata) representing an entire telephone call.  Intrinsic evidence: Abstract Fig. 10 Fig. 16 Fig. 16 Fig. 16 Fig. 16 Fig. 16				Fig. 18 col 2·55 - col 3·26	'345 Patent, col. 18, Il. 27-36l 28:32-44. (WSNSDE0009547-611).
col. 5: 15 - col. 6: 16 col. 6: 29-67 col. 7: 1-28 col. 8: 34-65 col. 14: 18-43 col. 20: 56 - col. 21: 7 col. 24: 30-41 col. 25: 40-67 col. 25: 40-67 col. 29: 29-67 col. 29: 29-67 col. 29: 29-67 col. 29: 55 - col. 68: 42 For each telephone call, data (e.g., voice information and/or metadata) representing an entire telephone call.  Intrinsic evidence: Abstract Fig. 10 Fig. 16 Fig. 16 Fig. 16 Fig. 16 Fig. 16 Fig. 18 col. 2: 55 - col. 3: 26				col. 3: 16-26	,
col. 6: 29-67 col. 7: 1-28 col. 8: 34-65 col. 14: 18-43 col. 20: 56 - col. 21: 7 col. 24: 30-41 col. 25: 40-67 col. 25: 40-67 col. 29: 29-67 col. 29: 29-67 col. 31: 4 - col. 58: 64 col. 64: 55 - col. 68: 42 For each telephone call, data (e.g., voice information and/or metadata) representing an entire telephone call.  Intrinsic evidence: Abstract Fig. 10 Fig. 16 Fig. 16 Fig. 16 Fig. 16 Fig. 16 Fig. 16 Fig. 18 col. 2: 55 - col. 3: 26				col. 5: 15 - col. 6: 16	
col. 7: 1-28 col. 8: 34-65 col. 14: 18-43 col. 20: 56 - col. 21: 7 col. 24: 30-41 col. 25: 40-67 col. 29: 29-67 col. 29: 29-67 col. 31: 4 - col. 58: 64 col. 64: 55 - col. 68: 42 For each telephone call, data (e.g., voice information and/or metadata) representing an entire telephone call.  Intrinsic evidence: Abstract Fig. 10 Fig. 16				col. 6: 29-67	
col. 8: 34-65 col. 14: 18-43 col. 20: 56 - col. 21: 7 col. 24: 30-41 col. 25: 40-67 col. 25: 40-67 col. 29: 29-67 col. 29: 29-67 col. 31: 4 - col. 58: 64 col. 64: 55 - col. 68: 42 For each telephone call, data (e.g., voice information and/or metadata) representing an entire telephone call.  Intrinsic evidence: Abstract Fig. 10 Fig. 16 Fig. 16 Fig. 16 Fig. 16 Fig. 16 Fig. 16 Fig. 18 col. 2: 55 - col. 3: 26				col. 7: 1-28	
col. 14: 18-43 col. 20: 56 - col. 21: 7 col. 24: 30-41 col. 25: 40-67 col. 28: 66 - col. 29: 8 col. 29: 29-67 col. 31: 4 - col. 58: 64 col. 64: 55 - col. 68: 42 For each telephone call, data (e.g., voice information and/or metadata) representing an entire telephone call.  Intrinsic evidence: Abstract Fig. 10 Fig. 16				col. 8: 34-65	
col. 20: 56 - col. 21: 7  col. 24: 30-41  col. 25: 40-67  col. 28: 66 - col. 29: 8  col. 29: 29-67  col. 31: 4 - col. 58: 64  col. 64: 55 - col. 68: 42  For each telephone call, data (e.g., voice information and/or metadata) representing an entire telephone call.  Intrinsic evidence: Abstract  Fig. 10  Fig. 16  Fig. 16  Fig. 16  Fig. 16  Fig. 16  Fig. 18  col. 2: 55 - col. 3: 26				col. 14: 18-43	
col. 24: 30-41 col. 25: 40-67 col. 28: 66 - col. 29: 8 col. 29: 29-67 col. 31: 4 - col. 58: 64 col. 64: 55 - col. 68: 42 For each telephone call, data (e.g., voice information and/or metadata) representing an entire telephone call.  Intrinsic evidence: Abstract Fig. 10 Fig. 16 Fig. 18 col. 2: 55 - col. 3: 26				col. 20: 56 - col. 21: 7	
col. 25: 40-67 col. 28: 66 - col. 29: 8 col. 29: 29-67 col. 31: 4 - col. 58: 64 col. 64: 55 - col. 68: 42 For each telephone call, data (e.g., voice information and/or metadata) representing an entire telephone call.  Intrinsic evidence: Abstract Fig. 10 Fig. 16 Fig. 16 Fig. 16 Fig. 16 Fig. 16 Fig. 16 Fig. 18 col. 2: 55 - col. 3: 26				col. 24: 30-41	
col. 28: 66 - col. 29: 8 col. 29: 29-67 col. 31: 4 - col. 58: 64 col. 64: 55 - col. 68: 42 For each telephone call, data (e.g., voice information and/or metadata) representing an entire telephone call.  Intrinsic evidence: Abstract Fig. 10 Fig. 16 Fig. 16 Fig. 16 Fig. 16 Fig. 16 Fig. 16 Col. 2: 55 - col. 3: 26				col. 25: 40-67	
col. 29: 29-67 col. 31: 4 - col. 58: 64 col. 64: 55 - col. 68: 42 For each telephone call, data (e.g., voice information and/or metadata) representing an entire telephone call.  Intrinsic evidence: Abstract Fig. 10 Fig. 16 Fig. 16 Fig. 16 Fig. 16 Fig. 16 Fig. 16 Fig. 18 col. 2: 55 - col. 3: 26				col. 28: 66 - col. 29: 8	
col. 31: 4 - col. 58: 64 col. 64: 55 - col. 68: 42 For each telephone call, data (e.g., voice information and/or metadata) representing an entire telephone call.  Intrinsic evidence: Abstract Fig. 10 Fig. 16 Fig. 16 Fig. 16 Fig. 16 Col. 2: 55 - col. 3: 26				col. 29: 29-67	
col. 64: 55 - col. 68: 42  For each telephone call, data (e.g., voice information and/or metadata) representing an entire telephone call.  Intrinsic evidence: Abstract Fig. 10 Fig. 16 Fig. 16 Fig. 16 Fig. 16 Fig. 16 Col. 2: 55 - col. 3: 26				col. 31: 4 - col. 58: 64	
For each telephone call, data (e.g., voice information and/or metadata) representing an entire telephone call.  Intrinsic evidence: Abstract Fig. 10 Fig. 16 Fig. 16 Fig. 16 Fig. 16 Col. 2: 55 - col. 3: 26				col. 64: 55 - col. 68: 42	
representing an entire telephone call.  Intrinsic evidence: Abstract Fig. 10 Fig. 16 Fig. 16 Fig. 16b Fig. 18 col. 2: 55 - col. 3: 26			data representations	For each telephone call, data (e.g., voice information and/or metadata)	Call-centric data records of the telephone calls, where each record
Intrinsic evidence:  Abstract Fig. 10 Fig. 16 Fig. 16 Fig. 16 Fig. 18 col. 2: 55 - col. 3: 26			of lifetimes of	representing an entire telephone	includes a detailed cumulative start- to-finish history of a telenhone call
evidence: - col. 3: 26					including all telephony events and
- col. 3: 26				Intrinsic evidence:	participants. Each data
- col. 3: 26				Abstract	representation represents only a single telephone call, is not event-
- col. 3: 26				Fig. 10	centric, and is not constructed on a
- col. 3: 26				Fig. 16	1-to-1 basis for the events during
5 - col. 3: 26				Fig. 16b	the total lifetime of a call.
				Fig. 18	,
				col. 2: 55 - col. 3: 26	munsic evidence:

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### AMENDED JOINT CLAIM CONSTRUCTION

10   3   16-26   570     11   28   601   5   15 - 601   5   15     12   3   3   1     13   14   14   3     14   14   3     15   15   15   15     15   15   15	U.S. Patent No. 6,728,345	NICE'S DISPUTED CLAIM TERMS	Witness' Disputed Claim Terms	NICE'S PROPOSED CONSTRUCTION	WITNESS' PROPOSED CONSTRUCTION
col. 6: 29-67 col. 7: 1-28 col. 8: 34-65 col. 14: 18-43 col. 20: 56 - col. 21: 7 col. 24: 30-41 col. 25: 40-67 col. 28: 66 - col. 29: 8 col. 29: 29-67 col. 29: 29-67 col. 31: 4 - col. 58: 64 col. 64: 55 - col. 68: 42 dor "data representation," "telephony events," and "telephone call segments." The remaining words have a plain meaning that is clear and do not require further construction.  Intrinsic evidence: See citations to intrinsic evidence for data representation," "telephony events," and "telephone call segments."				col. 3: 16-26 col. 5: 15 - col. 6: 16	'570 Patent, 5:20-23; 6:10-11; 7:11-28; 8:1-16; 8:35-47; 20:34-60;
col. 7: 1-28  col. 8: 34-65  col. 14: 18-43  col. 20: 56 - col. 21: 7  col. 24: 30-41  col. 25: 40-67  col. 28: 66 - col. 29: 8  col. 29: 29-67  col. 31: 4 - col. 58: 64  col. 31: 4 - col. 68: 42  NICE has provided constructions for "data representation,"  "telephony events," and "telephone call segments." The remaining words have a plain meaning that is clear and do not require further construction.  Intrinsic evidence:  See citations to intrinsic evidence for data representation," "telephony events," and "telephone call segments."				col. 6: 29-67	21:31-35; 21:59-22:1; 30:19-23;
col. 8: 34-65 col. 14: 18-43 col. 20: 56 - col. 21: 7 col. 24: 30-41 col. 25: 40-67 col. 28: 66 - col. 29: 8 col. 29: 29-67 col. 31: 4 - col. 58: 64 col. 64: 55 - col. 68: 42 do: "telephony events," and "telephone a plain meaning that is clear and do not require further construction."  Intrinsic evidence: See citations to intrinsic evidence for data representation," "telephony avents," and "telephony seents," and "telephony avents," and "telephony avents," and "telephone call segments."				col. 7: 1-28	33:17-20; 36:23-27; 36:47 – 38:65; 42:21-25: 54:18-26: Fios 16 16B
col. 14: 18-43  col. 20: 56 - col. 21: 7  col. 24: 30-41  col. 25: 40-67  col. 28: 66 - col. 29: 8  col. 29: 29-67  col. 31: 4 - col. 58: 64  col. 31: 4 - col. 68: 42  NICE has provided constructions for "data representation,"  "telephony events," and "telephone all segments." The remaining words have a plain meaning that is clear and do not require further construction.  h Intrinsic evidence:  See citations to intrinsic evidence for data representation," "telephony events," and "telephone call segments."				col. 8: 34-65	7:13-16; 20:34-60; 25:52-55; 26:16-
col. 20: 56 - col. 21: 7 col. 24: 30-41 col. 25: 40-67 col. 28: 66 - col. 29: 8 col. 29: 29-67 col. 31: 4 - col. 58: 64 col. 31: 4 - col. 68: 42 col. 64: 55 - col. 68: 42  NICE has provided constructions for "data representation," "telephony events," and "telephone call segments." The remaining words have a plain meaning that is clear and do not require further construction.  Intrinsic evidence: See citations to intrinsic evidence for data representation," "telephony events," and "telephone call segments."				col. 14: 18-43	20; 27:18-24; 28:45-48; 30:19-23.
col. 24: 30-41 col. 25: 40-67 col. 28: 66 - col. 29: 8 col. 29: 29-67 col. 31: 4 - col. 58: 64 col. 64: 55 - col. 68: 42 do: "data representation," "telephony events," and "telephone call segments." The remaining words have a plain meaning that is clear and do not require further construction.  Intrinsic evidence: See citations to intrinsic evidence for data representation," "telephony events," and "telephone call segments."				col. 20: 56 - col. 21: 7	(WSNSDE0009192-254).
col. 25: 40-67 col. 28: 66 - col. 29: 8 col. 29: 29-67 col. 31: 4 - col. 58: 64 col. 64: 55 - col. 68: 42  NICE has provided constructions for "data representation," "telephony events," and "telephone call segments." The remaining words have a plain meaning that is clear and do not require further construction.  Intrinsic evidence: See citations to intrinsic evidence for data representation," "telephony events," and "telephone call segments."				col. 24: 30-41	
col. 28: 66 - col. 29: 8  col. 29: 29-67  col. 31: 4 - col. 58: 64  col. 64: 55 - col. 68: 42  NICE has provided constructions for "data representation,"  "telephony events," and "telephone call segments." The remaining words have a plain meaning that is clear and do not require further construction.  Intrinsic evidence:  See citations to intrinsic evidence for data representation," "telephony events," and "telephone call segments."				col. 25: 40-67	345 Patent, 5:20-23; 6:10-11; ;
col. 29: 29-67 col. 31: 4 - col. 58: 64 col. 64: 55 - col. 68: 42  NICE has provided constructions for "data representation," "telephony events," and "telephone call segments." The remaining words have a plain meaning that is clear and do not require further construction.  Intrinsic evidence: See citations to intrinsic evidence for data representation," "telephony events," and "telephone call segments."				col. 28: 66 - col. 29: 8	/:11-28; 8:1-10; ; 6:33-47; 20:34- 60: 21:34-38: 21:62-22:4: 30:11-15:
col. 31: 4 - col. 58: 64 col. 64: 55 - col. 68: 42  NICE has provided constructions for "data representation,"  "telephony events," and "telephone call segments." The remaining words have a plain meaning that is clear and do not require further construction.  Intrinsic evidence: See citations to intrinsic evidence for data representation," "telephony events," and "telephone call segments."				col. 29: 29-67	33:12-15; 36:23-26; 36:46-38:65;
col. 64: 55 - col. 68: 42  NICE has provided constructions for "data representation," "telephony events," and "telephone call segments." The remaining words have a plain meaning that is clear and do not require further construction.  Intrinsic evidence: See citations to intrinsic evidence for data representation," "telephony events," and "telephone call segments."				col. 31: 4 - col. 58: 64	43:48-53; 56:56-64; Figs. 16, 16B:
NICE has provided constructions for "data representation,"  "telephony events," and "telephone call segments." The remaining words have a plain meaning that is clear and do not require further construction.  Intrinsic evidence: See citations to intrinsic evidence for data representation," "telephony events," and "telephone call segments."				col. 64: 55 - col. 68: 42	7:13-16; 20:37-63; 20:44-47; 26:9-
NICE has provided constructions for "data representation,"  "telephony events," and "telephone call segments." The remaining words have a plain meaning that is clear and do not require further construction.  Intrinsic evidence: See citations to intrinsic evidence for data representation," "telephony events," and "telephone call segments."					12; 27:9-10; 28:37-40; 30:11-15. (WSNSDE0009547-611).
for "data representation,"  "telephony events," and "telephone call segments." The remaining words have a plain meaning that is clear and do not require further construction.  Intrinsic evidence:  See citations to intrinsic evidence for data representation," "telephony events," and "telephone call segments."			wherein said	NICE has provided constructions	Using data regarding telephony
d call segments." The remaining words have a plain meaning that is clear and do not require further construction.  Intrinsic evidence: See citations to intrinsic evidence for data representation, "telephony events," and "telephone call segments."			data	for "data representation,"	events to associate two or more
d call segments." The remaining words have a plain meaning that is clear and do not require further construction.  Intrinsic evidence: See citations to intrinsic evidence for data representation," "telephony events," and "telephone call segments."			representations	"telephony events," and "telephone	segments of a telephone call to
h Intrinsic evidence: See citations to intrinsic evidence for data representation, "telephony events," and "telephone call segments."			are constructed	call segments." The remaining	form a data representation of the
Intrinsic evidence: See citations to intrinsic evidence for data representation," "telephony events," and "telephone call segments."			using uata recardino	words have a plain meaning that is clear and do not require further	Intelline of the telephone call, and
Intrinsic evidence: See citations to intrinsic evidence for data representation," "telephony events," and "telephone call segments."			telephony	construction.	the data representations.
See citations to intrinsic evidence for data representation," "telephony events," and "telephone call segments."			events associated with	Intrinsic evidence:	Intrincic exidence.
for data representation," "telephony events," and "telephone call segments."			telephone call	See citations to intrinsic evidence	'570 Patent 20:15-32: 26:55
d "telephone call			segments	for data representation," "telephony	27:6; 27:29-64; 31:39 – 32:50.
. 3763			**************************************	events," and "telephone call segments."	(WSNSDE0009192-254).
, 040					345 Prosecution History, Second

									1	****							
WITNESS' PROPOSED CONSTRUCTION	Preliminary Amendment, pg. 9-10, dated July 23, 2001 (WSNSDE0009486-98).		Portion of a phone call that is bounded by telephony events.		Intrinsic evidence:	'570 Patent, 58:11-16;	(WSNSDE0009192 - WSNSDE000054)	W SINSIDEOUGE 254).	245 Betrat 50.02.03	343 Fatent, 38:00:04-01:3. (WSNSDE0009547-611).		'370 Prosecution History Second	Preliminary Amendment, pg. 6,	dated August 15, 2001	(WSNSDE0010051-56).		
NICE'S PROPOSED CONSTRUCTION			Pieces of an entire telephone call.	Intrinsic evidence:	Abstract	Fig. 15	col. 2: 55-3: 26	col. 3: 16-26	col. 4: 66-5: 9	col. 5: 66 - col. 6: 16	col. 7: 1-28	col. 8: 1-16	col. 20: 37-55	col. 21: 34-47	col. 26: 11-30	col. 28: 18-65	col. 29: 29-56
WITNESS' DISPUTED CLAIM TERMS			telephone call segment														-
NICE'S DISPUTED CLAIM TERMS			telephone call segments														
U.S. PATENT NO. 6,728,345		40. A method for recording information regarding telephone calls comprising one or more telephone call segments, wherein said calls comprise calls wherein at least one participant participates in a plurality of segments, comprising:	(a) receiving audio data regarding one or more	telephone call segments	telephone events associated	with said telephone call	segments;										

WITNESS' PROPOSED CONSTRUCTION				Actions or occurrences detected by a computer program and that are related to what happens to a phone call (such as the initiation of the call, the addition or removal of callers, the transfer of the phone call, or the termination of the call), and are not identifying numbers. Agent-entered information is not data regarding telephone events.  Intrinsic evidence: '570 Patent, 7:11-13; (WSNSDE0009192-254). '345 Patent, 7:11-13. '345 Prosecution History, Second Preliminary Amendment, pg. 9, dated July 23, 2001 (WSNSDE0009486-98).
NICE'S PROPOSED CONSTRUCTION	col. 32: 15-31 col. 49: 56 - col. 52: 66	col. 60: 3 - col. 62: 63 col. 64: 55 - col. 68: 42		Actions or occurrences (e.g., called party and calling party numbers, trunk and channel ID, date and time or agent ID), which are related to telephone calls, that are detected by a computer program.  Intrinsic evidence:  Abstract  Fig. 4  Fig. 6  Fig. 7  Fig. 9  col. 1: 37-57  col. 2: 12-27  col. 2: 12-27  col. 3: 16-26  col. 3: 16-26  col. 3: 1-34  col. 8: 1-34  col. 8: 35-47
WITNESS' DISPUTED CLAIM TERMS				telephony event
NICE'S DISPUTED CLAIM TERMS				events
U.S. Patent No. 6,728,345			(b) storing the received audio data regarding telephone call segments;	(c) storing the received data regarding <b>telephony events</b> associated with said telephone call segments;

U.S. PATENT NO. 6,728,345	NICE'S DISPUTED CLAIM TERMS	WITNESS' DISPUTED CLAIM TERMS	NICE'S PROPOSED CONSTRUCTION	WITNESS' PROPOSED CONSTRUCTION
			col. 14: 65 - col. 25: 39 col. 26: 47-55 col. 26: 66 - col. 27: 56 col. 30: 8-15 col. 31: 4 - col. 32: 61	'706 Prosecution History, Second Preliminary Amendment, pg. 7-9, dated July 13, 2001 (WSNSDE050988-97).
	·		col. 64: 55 - col. 68: 42	'370 Prosecution History, Second Preliminary Amendment, pg. 4, dated August 15, 2001 (WSNSDE0010051-56).
(d) identifying <b>telephone call</b> segments that relate to one telephone call;		telephone call	"Telephone call" has a plain meaning that is clear and does not require further construction.	Entire conversation with an entity from a caller's perspective, including transfers and conferences.
				<u>Intrinsic evidence:</u> '570 Patent, col. 8, II. 5-11. (WSNSDE0009192-254).
				'345 Patent, col. 8,II 5-11. (WSNSDE0009547-611).
(e) identifying multiple call segments that have the same participant; and				
(f) constructing <u>data</u> <u>representations</u> of lifetimes	data representations		Digital representation of data.	Data structure that represents an object as a single identifiable entity.
of telephone calls, wherein each data representation of a telephone call is constructed using data			Intrinsic evidence: Abstract Fig. 10	<u>Intrinsic evidence:</u> '570 Patent, col. 18, 1l. 26-35; 28:40-51. (WSNSDE0009192-254).

U.S. Patent No. 6,728,345	NICE'S DISPUTED CLAIM TERMS	WITNESS' DISPUTED CLAIM TERMS	NICE'S PROPOSED CONSTRUCTION	WITNESS' PROPOSED CONSTRUCTION
regarding telephony events associated with the telephone call segments of the telephone call.	·		Fig. 16 Fig. 16b Fig. 18 col. 2: 55 - col. 3: 26 col. 3: 16-26 col. 5: 15 - col. 6: 16 col. 6: 29-67 col. 7: 1-28 col. 7: 1-28 col. 14: 18-43 col. 20: 56 - col. 21: 7 col. 24: 30-41 col. 25: 40-67 col. 25: 40-67 col. 28: 66 - col. 29: 8 col. 29: 29-67 col. 29: 29-67 col. 29: 29-67 col. 31: 4 - col. 58: 64 col. 64: 55 - col. 68: 42	'345 Patent, col. 18, Il. 27-36; 28L:32-44 (WSNSDE0009547-611).
		data representation of lifetimes of telephone calls	For each telephone call, data (e.g., voice information and/or metadata) representing an entire telephone call.  Intrinsic evidence: Abstract Fig. 10 Fig. 16 Fig. 16b	Call-centric data record of the telephone calls, where each record includes a detailed cumulative start-to-finish history of a telephone call, including all telephony events and participants. Each data representation represents only a single telephone call, is not event-centric, and is not constructed on a 1-to-1 basis for the events during the total lifetime of a call.

	Fig. 18 col. 3: 26	
	col. 2: 55 - col. 3: 26	
		Intrinsic evidence:
	col. 3: 16-26	'570 Patent, 5:20-23; 6:10-11; 7:11-
	col. 5: 15 - col. 6: 16	28; 8:1-16; 8:35-47; 20:34-60;
	col. 6: 29-67	21:31-35; 21:59-22:1; 30:19-23;
	col. 7: 1-28	33:1/-20; 36:23-27; 36:47 – 38:65; 42:01-25: 54:18-26: Figs 16 16B:
	col. 8: 34-65	7:13-16; 20:34-60; 25:52-55; 26:16-
	col. 14: 18-43	20; 27:18-24; 28:45-48; 30:19-23.
	col. 20: 56 - col. 21: 7	(WSNSDE0009192-254).
	col. 24: 30-41	
	col. 25: 40-67	'345 Patent, 5:20-23; 6:10-11;;
	col. 28: 66 - col. 29: 8	/:11-28; 8:1-16; ; 8:35-4/; 20:34- 60: 21:34-38: 21:62-22:4: 30:11-15:
	col. 29: 29-67	33:12-15; 36:23-26; 36:46-38:65;
	col. 31: 4 - col. 58: 64	43:48-53; 56:56-64; Figs. 16, 16B:
	col. 64: 55 - col. 68: 42	7:13-16; 20:37-63; 20:44-47; 26:9-
		12; 27:9-16; 28:37-40; 30:11-15. (WSNSDE0009547-611).
wherein each	NICE has provided constructions	Using data regarding telephony
data	for "data representation,"	events to associate two or more
representation	"telephony events," "telephone call	segments of a telephone call to
ephone	segments" and "telephone call."	form a data representation of the
constructed	The remaining words have a plain	Interime of the telephone call, and
	require further construction.	the data representations.
	•	1
telephony	<u>Intrinsic evidence:</u>	Intrinsic evidence:
-Hi	See citations to intrinsic evidence	'570 patent, 20:15-32; 26:55 – 27:6;
the telephone	"telephony events," "telephone call	21:29-04; 31:39 — 32:30.

U.S, PATENT NO. 6,728,345	NICE'S DISPUTED CLAIM TERMS	WITNESS' DISPUTED CLAIM TERMS	NICE'S PROPOSED CONSTRUCTION	WITNESS' PROPOSED CONSTRUCTION
		call segments of the	segments" and "telephone call."	(WSNSDE0009192-254).
		telephone call		'345 Patent, 20:18-36; 26:47-65; 27:21-56; 31:32-32:31. (WSNSDE0009547-611).
				'345 Prosecution History, Second Preliminary Amendment, pg. 9-10, dated July 23, 2001 (WSNSDE0009486-98).

U.S. Patent No. 6,775,372	NICE'S DISPUTED CLAIM TERMS	WITNESS' DISPUTED CLAIM TERMS	NICE'S PROPOSED CONSTRUCTION	WITNESS' PROPOSED CONSTRUCTION
1. A multi-stage data logging system comprising:				
a) a telecommunications ("telecom") stage receiving input from a plurality of communication channels;	telecom- munications ("telecom") stage	telecom- munications ("telecom") stage	The stage that serves to capture and pre-process signals from two or more communication channels and interfaces with the recorder stage.	Device that receives input from communication channels passively, and is not part of the communications system.
			Intrinsic evidence: Figs. 4-6 col. 6: 61-69 col. 7: 51 - col. 9: 53	Intrinsic evidence: '372 Patent, 2:57-64, 3:2-6, 7:60-8:5, 9:11-60 (WSNSDE0009798-813).
			Response, pp. 9-11 (Oct. 2001)	'372 Prosecution History, Amendment pgs. 9-10, dated September 24, 2001 (WSNSDE0009690-704).
b) a recorder stage having one or more recorders, at least one recorder logging data associated with information transmitted on at least one of said plurality of communication channels;				
c) a distribution stage providing access to data logged in the recorder stage;	distribution stage		The stage that serves for retrieval of recorded information and providing it in a human recognizable form and/or serves for archiving the	Plain meaning.

U.S. FATENT INO. 6,7/5,5/2	NICE'S DISPUTED CLAIM TERMS	WITNESS' DISPUTED CLAIM TERMS	NICE'S PROPOSED CONSTRUCTION:	Witness' Proposed Construction
			recorded information to removable storage.	
			Intrinsic evidence:	
			Figs. 4-6 col. 3: 17-24	
			col. 3: 45-48	
			col. 6: 68 - col. 7: 10	
			col. 7: 20-28	
			col. 11: 42 - col. 12: 68	
	***************************************		col. 14: 11-40	
			'372 Prosecution History, Response, p. 9 (Oct. 2001)	
			'372 Prosecution History, Response, pp. 4-6 (Jun. 2003)	
d) a first interface linking the				
telecom and the recorder				
stages and a second interface linking the				
recorder and the				
distribution stages;				
wherein at least two stages		wherein at least	At least two of the stages are	Wherein the telecom stage and
of the system are		two stages of	physically separable and are	recorder stage are physically
in operation can be		physically	separated by substantial distance.	distances apart, and wherein the
located wide distances		separable and	•	distribution stage can be physically
apart.		in operation can be located	Intrinsic evidence:	separable and located wide distances from the telecom and/or
		wide distances	Figs. 5, 6	recorder stage.

NICE v. Witness, Civil Action No. 06-311-JJF (D. Del.)

U.S. PATENT NO. 6,775,372	NICE'S DISPUTED CLAIM TERMS	WITNESS' DISPUTED CLAIM TERMS	NICE'S PROPOSED CONSTRUCTION	WITNESS' PROPOSED CONSTRUCTION
		apart.	col. 3: 8-11	1
			col. 3: 30-45	intrinsic evidence:
			col. /: /-20 col. 7: 20 co	-3/2 Fatent, 9:40-50 (WSNSDF0009798-813)
			col. /: 28-50 col. 17: 54-68	.(110-0717000770010).
			col. 13: 34-41	'372 Prosecution History, Response
			'372 Prosecution History, Response, pp. 3-4 (Jun. 2003)	pgs. 3-4, dated June 18, 2003 (WSNSDE0009769-75).
33. The data logging system of claim 32, wherein the network		Web server	A component that provides access to information accessible from a	A computer that receives a request for stored data, retrieves the stored
server is a Web server.			computer connected to the Internet or an intranet.	data, and transfers the data over the World Wide Web.
	MAN AND AND AND AND AND AND AND AND AND A		Intrinsic evidence:	Intrinsic evidence:
			Figs. 4-6	'372 Patent, 4:51-58,12:11-43
			col. 4: 51-60	(WSNSDE0009798-813).
			col. 7: 20-28	
			col. 10: 57-59	'372 Prosecution History,
			col. 12: 12-53	Amendment pg. 13, dated
,			col. 14: 11-40	(WSNSDE0009690-704).
			'372 Prosecution History,	
			Response, p. 13 (Oct. 2001)	

U.S. PATENT NO. 6,785,370	NICE'S DISPUTED CLAIM TERMS	WITNESS' DISPUTED CLAIM TERMS	NICE'S PROPOSED CONSTRUCTION	WITNESS' PROPOSED CONSTRUCTION
1. A method for constructing and maintaining data		data	For each telephone call, data (e.g.,	Call-centric data record of the
representations of lifetimes		of lifetimes of	representing an entire telephone	includes a detailed cumulative start-
of telephone calls comprising		the telephone	cail.	to-finish history of a telephone call,
one or more segments, audio		calls		including all telephony events and
data for each segment being			Intrinsic evidence:	participants. Each data
recorded on one or more recorders the method			Abstract	representation represents only a
comprising:			Fig. 10	centric, and is not constructed on a
			Fig. 16	1-to-1 basis for the events during
			Fig. 16b	the total lifetime of a call.
			Fig. 18	
		-	col. 2: 55 - col. 3: 14	Intrinsic evidence:
			col. 3: 17-30	'570 Patent, 5:20-23; 6:10-11; 7:11-
,			col. 5: 21 - col. 6: 23	28; 8:1-16; 8:35-47; 20:34-60;
			col. 6: 37 - col. 7: 8	30:19-23: 33:17-20: 36:23-27:
			col. 7: 9-36	36:47 – 38:65; 42:21-25; 54:18-26;
			col. 8: 44 - col. 9: 8	Figs. 16, 16B; 7:13-16; 20:34-60;
			col. 14: 33-58	25:52-55; 26:16-20; 27:18-24; 28:45-48: 30:19-23
			col. 22: 45-63	(WSNSDE0009192-254).
			col. 27: 1-12	
		trong and a second	col. 28: 13-40	'370 Patent, 5:27-30; 6:17-18; 7:19-
			col. 31: 41-50	36; 8: 9-25; 8:44-57;
			col. 32: 5-43	21:66-22:52; 23:23-27; 23:51-60;
			col. 33: 46 - col. 61: 48	31:7-50; 32:54-58; 35:55-58; 38:48-
			col. 67: 53 - col. 70: 38	51; 40:1-42:16; 46:58-62; 60:9-17; Fire 16 16B: 7:21-24: 21:66-22:52.
				28:17-20; 27:50-53; 29:51-57;

U.S. PATENT NO. 6,785,370	NICE'S DISPUTED CLAIM TERMS	WITNESS' DISPUTED CLAIM TERMS	NICE'S PROPOSED CONSTRUCTION	WITNESS' PROPOSED CONSTRUCTION
				31:12-15; 32:54-58. (WSNSDE0010104-68).
(a) constructing a call record for at least one telephone call;		call record	Data regarding telephony events for one or more segments of a telephone call.	Call-centric data record of a telephone call that includes a detailed cumulative history of a telephone call, including all
			Intrinsic evidence: Abstract	telephony events and participants.  Each call record represents only a single call, is not event-centric, and
			Fig. 10 Fig. 16	is not constructed on a 1-to-1 basis for the events during the total
			Fig. 16b	lifetime of a call.
			col. 3: 17-30 col. 7: 1-28	<u>Intrinsic evidence:</u>
			col. 11: 11-56	'570 Patent, 5:20-23; 6:10-11; 7:11-
			col. 20: 61 - col. 58: 56	21:31-35; 21:59-22:1; 28:40-29:15;
			col. 67: 53 - col. 70: 38	30:19-23; 33:17-20; 36:23-27; 36:47 – 38:65: 42:21-25: 54:18-26:
				Figs. 16, 16B; 7:13-16; 20:34-60;
				23:32-33; 26:10-20; 27:18-24; 28:45-48; 30:19-23.
				(WSNSDE0009192-254).
				'370 Patent, 5:27-30; 6:17-18; 7:19-
				36; 8: 9-25; 8:44-57; 21:66-22:52;
				23:23-27; 23:51-60; 31:7-50; 32:54-58: 35:55-58: 38:48-51: 40:1-42:16:
				46:58-62; 60:9-17; Figs 16, 16B;
				7:21-24; 21:66-22:52; 28:17-20; 27:50-53; 29:51-57; 31:12-15;

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#### AMENDED JOINT CLAIM CONSTRUCTION

SED WITNESS' PROPOSED  CONSTRUCTION	32:54-58. (WSNSDE0010104-68).	"has a plain Entire conversation with an entity clear and does not from a caller's perspective, including transfers and conferences.	<u>Intrinsic evidence:</u>	(WSNSDE0009192-254).	'370 Patent, col. 8, 13-15. (WSNSDE0010104-68).	Actions or occurrences (e.g., called Actions or occurrences detected by		trunk and channel ILD, date and time   related to what happens to a phone or agent ID) which are related to   call (cuch as the initiation of the	)C		call, or the termination of the call),		Agent-entered information is not	data regarding telephone events.	Intringic extinues	יייייייייייייייייייייייייייייייייייייי	'570 Patent, 7:11-13;   Aventone and a seas	( W 51/5/2/2007 172-254).	370 Patent 7.21-23	
NICE'S PROPOSED CONSTRUCTION		"Telephone call" has a plain meaning that is clear and does not require further construction.				Actions or occurre	party and calling party numbers,	trunk and channel ILD, date and tu	elephone calls, tha	a computer program.		Intrinsic evidence:	Abstract	Fig. 4	Fig. 6	Fig 7	Fig. / Fig. 0	col. 1: 37-57	col. 2: 12-27	
WITNESS' DISPUTED CLAIM TERMS		telephone call			•	telephony event		and n												
NICE'S DISPUTED CLAIM TERMS						telephony	events													
U.S. PATENT NO. 6,785,370						(b) receiving data regarding	telephony events	associated with one of more telephone calls:	S											

U.S. PATENT No. 6,785,370	NICE'S DISPUTED CLAIM TERMS	WITNESS' DISPUTED CLAIM TERMS	NICE'S PROPOSED CONSTRUCTION	Witness' Proposed Construction
			col. 8: 9-44 col. 8: 45-57 col. 10: 23-51 col. 15: 13 - col. 28: 12	'345 Prosecution History, Second Preliminary Amendment, pg. 9-10, dated July 23, 2001 (WSNSDE0009486-98).
			col. 29: 21-29 col. 29: 40 - col. 30: 31 col. 32: 51-58 col. 33: 46 - col. 35: 36 col 67: 53 - col 70: 38	"706 Prosecution History, Second Preliminary Amendment, pg. 7-9, dated July 13, 2001 (WSNSDE050988-97).
				'370 Prosecution History, Second Preliminary Amendment, pg. 4, dated August 15, 2001 (WSNSDE0010051-56).
(c) matching a received telephony event with a constructed call record;		matching a received telephony event with a constructed call	NICE has provided constructions for "telephony event" and "call record." The remaining words have a plain meaning that is clear and do not require further construction.	Performing a calculation to resolve an ambiguity between the received telephony event and the constructed call record.
		record	Intrinsic evidence: See citations to intrinsic evidence for "telephony event" and "call record."	Intrinsic evidence: '570 patent, 8:56 – 10:30; 20:15-32; 12:6-16; 14:38-59; 20:16-32; 25:38-41; Fig. 5, steps 508, 510, 516, 522, 524 and 526. (WSNSDE0009192-254).
				'370 patent, 8:66-10:51; 21:47-65; 12:27-37; 14:59-15:12; 21:47-65; 28:3-6; Fig. 5, steps 508, 510, 516, 522, 524 and 526.

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#### AMENDED JOINT CLAIM CONSTRUCTION

U.S. PATENT NO. 6,785,370	NICE'S DISPUTED CLAIM TERMS	WITNESS' DISPUTED CLAIM TERMS	NICE'S PROPOSED CONSTRUCTION	WITNESS' PROPOSED CONSTRUCTION
				(WSNSDE0010104-68).  '370 Prosecution History, Second Preliminary Amendment, pg. 4-5, dated August 15, 2001 (WSNSDE0010051-56).
(d) updating the matching call record based on the received telephony event data; and				
(e) combining the updated call record with data indicating the location of recorded audio data for the segment of the call, to obtain a master call record representing the lifetime of the telephone call.		combining the updated call record with data indicating the location of recorded audio data for the segment of the call	NICE has provided constructions for "segment" and "call record."  The remaining words have a plain meaning that is clear and do not require further construction.  Intrinsic evidence:  See citations to intrinsic evidence for "segment" and "call record."	Storing data indicating the location of recorded audio data for the segment of the call in the updated call record, where the updated call record does not have data indicting the location of the recorded audio data for the segment of the call.  Intrinsic evidence:  '570 Patent, 3:2-11; 3:14-22; 5:20-23; 7:18-20; 27:65 – 28:16; 28:25-39; 29:6-15. (WSNSDE0009192-254).  '370 Patent, 3:7-14; 3:17-30; 5:27-30; 7:26-28; 30:32-50; 30:59-31:6; 31:40-50. (WSNSDE0010104-68).
		segment	The claim term "segment" is used in the claims and specification in the phrase "segment of the call."	The term "segment" is indefinite; it can either be a telephone call

U.S. PATENT NO. 6,785,370	NICE'S DISPUTED CLAIM TERMS	WITNESS' DISPUTED CLAIM TERMS	NICE'S PROPOSED CONSTRUCTION	Witness' Proposed Construction
			This claim term has a plain meaning that is clear and does not require further construction.	segment or an audio data segment.
			Intrinsic evidence:	In the alternative, a segment is a portion of a phone call that is bounded by telephony events.
			Abstract	
			col. 3: 17-30	Intrinsic evidence:
			col. 67: 53 - col. 70: 38	'570 Patent, 58:11-16. (WSNSDE0009192-254).
				'370 Patent, 63:60-65. (WSNSDE0010104-68).
				'370 Prosecution History, Second Preliminary Amendment, no. 6.
				dated August 15, 2001 (WSNSDE0010051-56).
	master call record	master call record	A record containing information about the location of all telephone	Call-centric data record of a telephone call that includes (a) data
			call segments of an entire telephone	matching the call with the segments
-	,		call.	that make up the call; (b) data
				indicating the location of a
			<u>Intrinsic evidence:</u>	recording for each segment; and (c) a detailed cumulative start-to-finish
			Abstract	history of the telephone call,
			Fig. 10	including all telephony events and
			Fig. 16	participants. Each master call
			Fig. 16b	record represents only a single call,
			Fig. 18	in non event-centric, and is not

CLAIM TERMS CLAIM TERMS  CLAIM	DISPUTED			
CLAIW TERWS	ii.		CONSTRUCTION	CONSTRUCTION
		RMS		
		0	col. 2: 55 - col. 3: 14	the events during the total lifetime
		-	col. 3: 17-30	of a call.
	•		col. 5: 21 - col. 6: 23	d de la constante de la consta
			col. 6: 37 - col. 7: 8	Intrinsic evidence:
		0	col. 7: 9-36	'570 Patent, 3:2-11; 3:14-22; 5:20-
			col. 8: 44 - col. 9: 8	23; 6:10-11; 7:11-28; 8:1-16; 8:35-   47: 20:34 60: 21:31 35: 21:50 22:1:
	,		col. 14: 33-58	28:40-29:15; 29:65-30:8; 30:19-23;
			col. 22: 45-63	32:38-50; 33:17-20; 36:23-27;
		-	col. 27: 1-12	36:32 – 42:10; 42:21-25; 46:30-
			col. 28: 13-40	47:45; 54:18-26; Figs. 16, 16B; 570
		<u> </u>	col. 31: 41-50	55: 26:16-20: 27:18-24: 28:45-48:
			col. 32: 5-43	30:19-23. (WSNSDE0009192-254).
		<u> </u>	col. 33: 46 - col. 61: 48	
			col. 67: 53 - col. 70: 38	370 Patent, 3:7-14; 3:17-30; 5:27-
				30; 6:17-18; 7:19-36; 8: 9-25; 8:44-
				57;21:66-22:52, 23:23-27; 23:51-
				59; 31:7-50; 32:33-43;32:54-58;
		,		35:5-18; 35:55-58; 38:48-51; 38:58-
				42:16; 45:58-62; 51:7-19; 60:9-17; ;
		· · · · · · · · · · · · · · · · · · ·		Figs. 16, 16B. 3/0 Patent, 7:21-24;
				70.51 57. 21.17 15. 27.54 58
	•			(WSNSDE0010104-68).
			For each telephone call, data (e.g.,	Call-centric data records of
representations of lifetimes of			voice mountains and/or medadas, representing an entire telephone	includes a detailed cumulative start-
of telephone calls comprising telephone calls	۵۵		call.	to-finish history of a telephone call,
two or more segments, audio data for each segment heing	iudio			including all telephony events and narticinants. Fach data

U.S. PATENT NO. 6,785,370	NICE'S DISPUTED CLAIM TERMS	WITNESS' DISPUTED CLAIM TERMS	NICE'S PROPOSED CONSTRUCTION	WITNESS' PROPOSED CONSTRUCTION
recorded on one or more recorders, the method comprising the steps of:			Intrinsic evidence:  Abstract Fig. 10 Fig. 16 Fig. 16 Fig. 18 col. 2: 55 - col. 3: 14 col. 3: 17-30 col. 5: 21 - col. 6: 23 col. 6: 37 - col. 7: 8 col. 6: 37 - col. 7: 8 col. 7: 9-36 col. 8: 44 - col. 9: 8 col. 14: 33-58 col. 22: 45-63 col. 22: 45-63 col. 23: 44-50 col. 33: 46 - col. 61: 48 col. 33: 46 - col. 61: 48 col. 33: 46 - col. 61: 38 col. 67: 53 - col. 70: 38	representation represents only a single telephone call, is not event-centric, and is not constructed on a 1-to-1 basis for the events during the total lifetime of a call.  Intrinsic evidence:  '570 Patent, 5:20-23; 6:10-11; 7:11-28; 8:1-16; 8:35-47; 20:34-60; 21:31-35; 21:59-22:1; 28:40-29:15; 30:19-23; 33:17-20; 36:23-27; 36:47-38:65; 42:21-25; 54:18-26; Figs. 16, 16B; 7:13-16; 20:34-60; 25:52-55; 26:16-20; 27:18-24; 28:45-48; 30:19-23.  (WSNSDE0009192-254).  '370 Patent, 5:27-30; 6:17-18; 7:19-36; 8:9-25; 8:44-57; 21:47-65; 21:66-22:52; 23:23-26; 23:51-59; 31:7-50; 32:54-58; 35:55-58; 33:48-51; 40:1-42-16; 45:58-62; 60:9-17; Figs 16, 16B; 7:21-24; 21:66-22:52; 28:17-20; 27:50-53; 29:51-57; 31:12-15; 32:54-58.
(a) constructing a call record for a telephone call comprising two or more segments;		call record	Data regarding telephony events for one or more segments of a telephone call.	Call-centric data record of a telephone call that includes a detailed cumulative history of a telephone call, including all telephony events and participants.

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#### AMENDED JOINT CLAIM CONSTRUCTION

U.S. PATENT NO. 6,785,370	NICE'S DISPUTED CLAIM TERMS	Witness' Disputed CLAIM TERMS	NICE'S PROPOSED CONSTRUCTION	WITNESS' PROPOSED CONSTRUCTION
			Intrinsic evidence: Abstract Fig. 10 Fig. 16	Each call record represents only a single call, is not event-centric, and is not constructed on a 1-to-1 basis for the events during the total lifetime of a call.
			col. 3: 17-30 col. 7: 1-28 col. 11: 11-56 col. 20: 61 - col. 58: 56 col. 67: 53 - col. 70: 38	Intrinsic evidence: '570 Patent, 5:20-23; 6:10-11; 7:11-28; 8:1-16; 8:35-47; 20:34-60; 21:31-35; 21:59-22:1; 28:40-29:15; 30:19-23; 33:17-20; 36:23-27;
				Figs. 16, 16B; 7:13-16; 20:34-60; 25:52-55; 26:16-20; 27:18-24; 28:45-48; 30:19-23. (WSNSDE0009192-254).
				370 Patent, '370 Patent, 5:27-30; 6:17-18; 7:19-36; 8: 9-25; 8:44-57; 21:66-22:52; 23:23-27; 23:51-60; 31:7-50; 32:54-58; 35:55-58; 38:48- 51; 40:1-42:16; 46:58-62; 60:9-17; Figs 16, 16B; 7:21-24; 21:66-22:52; 28:17-20; 27:50-53; 29:51-57; 31:12-15; 32:54-58.
		telephone call	"Telephone call" has a plain meaning that is clear and does not require further construction.	(WSNSDE0010104-68). Entire conversation with an entity from a caller's perspective, including transfers and conferences.

NICE v. Witness, Civil Action No. 06-311-JJF (D. Del.)

U.S. Patent No. 6,785,370	NICE'S DISPUTED CLAIM TERMS	WITNESS' DISPUTED CLAIM TERMS	NICE'S PROPOSED CONSTRUCTION	WITNESS' PROPOSED CONSTRUCTION
				<u>Intrinsic evidence:</u> '570 Patent, col. 8, II. 5-11. (WSNSDE0009192-254).
				'370 Patent, col. 8, 13-15. (WSNSDE0010104-68).
		segment	The claim term "segment" is used in the claims and specification in the phrase "segment of the call." This claim term has a plain	The term "segment" is indefinite; it can either be a telephone call segment or an audio data segment.
			meaning that is clear and does not require further construction.	In the alternative, a segment is a portion of a phone call that is bounded by telephony events.
			Abstract col. 3: 17-30 col. 67: 53 - col. 70: 38	<u>Intrinsic evidence:</u> '570 Patent, 58:11-16; (WSNSDE0009192-254).
				'370 Patent, 63:60-65. (WSNSDE0010104-68).
				'370 Prosecution History, Second Preliminary Amendment, pg. 6, dated August 15, 2001 (WSNSDE0010051-56).
(b) receiving data regarding one or more <b>telephony events</b> associated with the telephone call;	telephony events	telephony events	Actions or occurrences (e.g., called party and calling party numbers, trunk and channel ID, date and time or agent ID), which are related to	Actions or occurrences detected by a computer program and that are related to what happens to a phone call (such as the initiation of the

	DISPUTED CLAIM TERMS	DISPUTED CLAIM TERMS	CONSTRUCTION	CONSTRUCTION
			telephone calls, that are detected by a computer program.	call, the addition or removal of callers, the transfer of the phone
			Intringic existence.	call, or the termination of the call), and are not identifying numbers.
			Abstract	Agent-entered information is not
			Fig. 4	uata regarumig terepmone events.
			Fig. 6	Intrinsic evidence:
			Fig. 7	'570 Patent, 7:11-13
			Fig. 9	(WSNSDE0009192-254).
			col. 1: 37-57	
			col. 2: 12-27	370 Patent, 7:21-23.
			col. 3: 17-30	(WSNSDE0010104-68).
			col. 7: 9-67	
			col. 8: 9-44	'345 Prosecution History, Second
	-		col. 8: 45-57	Preliminary Amendment, pg. 9,
			col. 10: 23-51	dated July 23, 2001   (WSNSDE0009486-98)
			col. 15: 13 - col. 28: 12	
			col. 29: 21-29	'706 Prosecution History Second
***************************************			col. 29: 40 - col. 30: 31	Preliminary Amendment, pg. 7-9,
			col. 32: 51-58	dated July 13, 2001
			col. 33: 46 - col. 35: 36	(WSNSDE050988-97).
			col. 67: 53 - col. 70: 38	
				'370 Prosecution History, Second
			·	dated August 15, 2001 (WSNSDE0010051-56).
(c) matching said one or more received telephony		matching said	NICE has provided constructions for "telephony events" and "call	Performing a calculation to resolve an ambiguity between the one or

U.S. PATENT NO. 6,785,370	NICE'S DISPUTED CLAIM TERMS	WITNESS' DISPUTED CLAIM TERMS	NICE'S PROPOSED CONSTRUCTION	WITNESS' PROPOSED CONSTRUCTION
events with said call record;		received telephony events with	record." The remaining words have a plain meaning that is clear and do not require further construction.	more received telephony events and constructed call record.
		said call record	<u>Intrinsic evidence:</u> See citations to intrinsic evidence for "telephony events" and "call record."	Intrinsic evidence: '570 patent, 8:56 – 10:30; 20:15-32; 12:6-16; 14:38-59; 20:16-32; 25:38-41; Fig. 5, steps 508, 510, 516, 522, 524 and 526; (WSNSDE0009192-254).
				'370 patent, 8:66-10:51; 21:47-65; 12:27-37; 14:59-15:12; 21:47-65; 28:3-6; Fig. 5, steps 508, 510, 516, 522, 524 and 526. (WSNSDE0010104-68).
				'370 Prosecution History, Second Preliminary Amendment, pg. 4-5, dated August 15, 2001 (WSNSDE0010051-56).
(d) updating said call record based on said received telephony event data; and				
(e) combining said updated call record with data indicating one or more locations of recorded audio data for two or more segments of the call,		combining said updated call record with data indicating one or more locations of	NICE has provided constructions for "segments" and "call record." The remaining words have a plain meaning that is clear and do not require further construction.	Storing data indicating one or more locations of recorded audio data for two or more segments of the call in an updated call record, where the updated call record does not have data indicating one or more
to outain a master van		ופכטוחפת מחתוט	Intrinsic evidence:	locations of recorded audio data for

AMENDED JOINT CLAIM CONSTRUCTION

Witness' Proposed Construction	Intrinsic evidence: '570 Patent, 3:2-11; 3:14-22; 5:20-23; 7:18-20; 27:65 – 28:16; 28:25-39; 29:6-15. (WSNSDE0009192-254). '370 Patent, 3:7-14; 3:17-30; 5:27-30; 7:26-28; 30:32-50; 30:59-31:6; 31:40-50. (WSNSDE0010104-68).	Call-centric data record of a telephone call that includes (a) data matching the call with the segments that make up the call; (b) data indicating the location of a recording for each segment; and (c) a detailed cumulative start-to-finish history of the telephone call, including all telephony events and participants. Each master call record represents only a single call, in non event-centric, and is not constructed on a 1-to-1 bases for the events during the total lifetime of a call.  Intrinsic evidence:  '570 Patent, 3:2-11; 3:14-22; 5:20-23; 6:10-11; 7:11-28; 8:1-16; 8:35-
NICE'S PROPOSED CONSTRUCTION	See citations to intrinsic evidence for "segments" and "call record."	A record containing information about the location of all telephone call segments of an entire telephone call.  Intrinsic evidence:  Abstract Fig. 10 Fig. 16 Fig. 16 Fig. 18 col. 2: 55-3: 14 col. 2: 55-3: 14 col. 3: 17-30 col. 5: 21 - col. 6: 23 col. 6: 37 - col. 7: 8 col. 6: 37 - col. 7: 8 col. 7: 9-36 col. 8: 44 - col. 9: 8
WITNESS' DISPUTED CLAIM TERMS	data for two or more segments of the call	master call record
NICE'S DISPUTED CLAIM TERMS		master call record
U.S. PATENT NO. 6,785,370	record representing the lifetime of said telephone call.	

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CLAIM TERMS	MIS CLAIM TERMS  CLAIM TERMS	CONSTRUCTION  col. 14: 33-58  col. 22: 45-63  col. 27: 1-12	CONSTRUCTION  47; 20:34-60; 21:31-35; 21:59-22:1;
		col. 14: 33-58 col. 22: 45-63 col. 27: 1-12	47; 20:34-60; 21:31-35; 21:59-22:1;
		col. 22: 45-63 col. 27: 1-12	20.40 20.15, 20.65 20.9, 20.10 23.
		col. 27: 1-12	0.40-47.13, 47.03-30.0, 30.19-43,
			32:38-50; 33:17-20; 36:23-27;
			36:32 - 42:10; 42:21-25; 46:30-
		col. 28: 13-40	47:45; 54:18-26; Figs. 16, 16B;
		col. 31: 41-50	570 Patent, 7:13-16; 20:34-60;
		col. 32: 5-43	25:52-55; 26:16-20; 27:18-24;
		col. 33: 46 - col. 61: 48	28:45-48; 30:19-23.
		col. 67: 53 - col. 70: 38	(WSNSDE0009192-254).
			370 Patent, 3:7-14; 3:17-30; 5:27-
			30; 6:17-18; 7:19-36; 8: 9-25; 8:44-
			57;21:66-22:52, 23:23-27; 23:51-
			59; 31:7-50; 32:33-43;32:54-58;
			35:5-18; 35:55-58; 38:48-51; 38:58-
			42:16; 45:58-62; 51:7-19; 60:9-17; ;
			Figs. 16, 16B. 370 Patent, 7:21-24;
			21:66-22:52; 28:17-20; 27:50-53;
			29:51-57; 31:12-15; 32:54-58.
			(WSNSDE0010104-68).

U.S. PATENT No. 6,870,920	NICE'S DISPUTED CLAIM TERMS	WITNESS' DISPUTED CLAIM TERMS	NICE'S PROPOSED CONSTRUCTION	Witness' Proposed Construction
1. A method for accessing information in at least one digital logger storing data associated with input from a plurality of input channels, comprising:				
at a Web server having access to said at least one digital logger, receiving a request for retrieval of stored data from a client;		Web server	A component that provides access to information accessible for a computer connected to the Internet or an intranet.	Computer that receives a request for stored data, retrieves the stored data, and transfers the data over the World Wide Web.
		-	<u>Intrinsic evidence:</u>	Intrinsic evidence:
			Fig. 6 col. 4: 66-67 col. 5: 1-12	'920 Patent, 4:66-67; 5:1-8, 13:3-39; 15:6-20, 15:30-33 (WSNSDE0010348-63).
			col. 12: 65 - col. 13: 55 col. 15: 7-36	'372 Patent, 4:51-58,12:11-43 (WSNSDE0009798-813).
				'372 Prosecution History, Amendment pg. 13, dated September 24, 2001 (WSNSDE0009690-704)
				'920 Prosecution History, Notice of Allowability, pg. 2, dated October 4, 2004 (WSNSDE0010330-32).
	digital logger	digital logger	A device, system or software for	A device, system or software for

NICE v. Witness, Civil Action No. 06-311-JJF (D. Del.)

U.S. PATENT NO. 6,870,920	NICE'S	WITNESS'	NICE'S PROPOSED	WITNESS' PROPOSED
	DISPUTED CLAIM TERMS	DISPUTED CLAIM TERMS	CONSTRUCTION	CONSTRUCTION
			recording, in digital form, audio data representing multiple concurrent telephone calls.	recording audio in digital form.
			Intrinsic evidence:	'920 Patent, FIGs. 1 and 4, 5:1-12, 5:42-60, 6:25-28, 6:56-57, 5: 7:9-14, 7:38-54, 10:1323, 10: 26-31.
			col. 5: 1-12 col. 6: 66 - col. 7: 16	13:3-7, 13:21-28, (WSNSDE0010348-363).
			'372 Prosecution History, Response, pp. 8-11 (Oct. 2001)	'920 Prosecution History, Response to Sept. 17, 2003 Office Action pg. 6, dated February 11, 2004 (WSNSDE0010247-55).
		receiving a request for retrieval of stored data	This claim phrase has a plain meaning that is clear and does not require construction.	The Web server receives a request for retrieval of data stored in the digital logger.
			Intrinsic evidence:	Intrinsic evidence:
			Figs. 4-6	'920 Patent, 1:14-17; 4:66-67; 5:5-
			col. 4: 29-33	6; 13:21-28; 15:17-20 (MENEREPOLICE 248 252)
			col. 4: 57-67	(WSINSDEU010348-303).
			col. 5: 1-12	
			col. 10: 66 - col. 11: 41	
			col. 12: 65 - col. 13: 40	
	,		col. 15: 7-36	
			claims 2-6, 16-28	
retrieving stored data in accordance with the		retrieving stored data	This claim phrase has a plain meaning that is clear and does not	The Web server retrieves data stored in the digital logger.

U.S. PATENT NO. 6,870,920	NICE'S	WITNESS:	NICE'S PROPOSED	WITNESS' PROPOSED
	DISPUTED CLAIM TERMS	DISPUTED CLAIM TERMS	Construction	CONSTRUCTION
received request; and			require construction.	
				<u>Intrinsic evidence:</u>
			<u>Intrinsic evidence:</u>	'920 Patent, 1:14-17; 4:66-67; 5:5-
			Figs 4-6	6; 13:14-28; 15:17-20
			col. 4: 29-33	(WSNSDE0010348-363).
			col. 5: 1-12	
			col. 10: 66 - col. 11: 41	
			col. 12: 65 - col. 13: 40	
			col. 15; 7-36	
-			claims 2-6, 16-28	
transferring the retrieved data to the client.		transferring the retrieved data	This claim phrase has a plain meaning that is clear and does not	The Web server sends the data retrieved from the digital logger.
			require construction.	Intrinsic evidence:
•			<u>Intrinsic evidence:</u>	'920 Patent, 1:14-17; 4:66-67; 5:5-
			Figs 4-6	6; 13:21-28; 15:17-20
			col. 4: 29-33	(WSNSDE0010348-363).
			col. 5: 1-12	
			col. 10: 66 - col. 11: 41	
			col. 12: 65 - col. 13: 40	
			col. 15: 7-36	
			claims 2-6, 16-28	
3. The method of claim 2		retrieving stored	This claim phrase has a plain	The Web server retrieves data
stored data comprises		uata	incanning that is creat and does not require construction.	stored iii tije digitai logger.
accessing call information for a record of an input channel made by said at least one			Intrinsic evidence:	<u>Intrinsic evidence:</u> '920 Patent, 1:14-17; 4:66-67; 5:5-

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#### AMENDED JOINT CLAIM CONSTRUCTION

U.S. PATENT NO. 6,870,920	NICE'S DISPUTED CLAIM TERMS	WITNESS' DISPUTED CLAIM TERMS	NICE'S PROPOSED CONSTRUCTION	WITNESS' PROPOSED CONSTRUCTION
digital logger.			Figs 4-6 col. 4: 29-33 col. 5: 1-12 col. 10: 66 - col. 11: 41 col. 12: 65 - col. 13: 40 col. 15: 7-36 claims 2-6, 16-28	6; 13:14-28; 15:17-20 (WSNSDE0010348-363).
		record of an input channel	Stored voice and/or call information received from an input channel.  Intrinsic evidence:  col. 1: 40-52  col. 2: 7-16  col. 2: 7-16  col. 3: 1-4  col. 3: 1-4  col. 5: 1-12  col. 8: 11-25  col. 9: 18-21  col. 9: 18-21  col. 10: 30-41  col. 11: 10-41	A record identified by the input channel.  Intrinsic evidence: '920 Patent, 9:19-21; 11:14-19; 11:46-47 (WSNSDE0010348-363).
	digital logger	digital logger	A device, system or software for recording, in digital form, audio data representing multiple concurrent telephone calls.  Intrinsic evidence:	A device, system or software for recording audio in digital form.  Intrinsic evidence:  '920 Patent, FIGs. 1 and 4, 5:1-12, 5:42-60, 6:25-28, 6: 56-57, 5: 7:9-

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Witness' Proposed Construction	14, 7:38-54, 10:1323, 10: 26-31, 13:3-7, 13:21-28, (WSNSDE0010348-363).  '920 Prosecution History, Response to Sept. 17, 2003 Office Action pg. 6, dated February 11, 2004 (WSNSDE0010247-55).		Computer that receives a request for stored data, retrieves the stored data, and transfers the data over the World Wide Web.  Intrinsic evidence: '920 Patent, 4:66-67; 5:1-8, 13:3-39; 15:6-20, 15:30-33 (WSNSDE0010348-63); '372 Patent, 4:51-58,12:11-43 (WSNSDE0009798-813).	Amendment pg. 13, dated September 24, 2001
NICE'S PROPOSED CONSTRUCTION	col. 1: 51-57 col. 5: 1-12 col. 6: 66 - col. 7: 16 '372 Prosecution History, Response, pp. 8-11 (Oct. 2001)		A component that provides access to information accessible for a computer connected to the Internet or an intranet.  Intrinsic evidence:  Fig. 6  col. 4: 66-67  col. 5: 1-12  col. 5: 7-36  col. 15: 7-36	
WITNESS' DISPUTED CLAIM TERMS	·		Web server	
NICE'S DISPUTED CLAIM TERMS				
U.S. PATENT NO. 6,870,920	·	16. A method for accessing information stored by at least one digital logger storing data associated with input from a plurality of communication channels, comprising:	at a Web server having access to said information stored by at least one digital logger over a communications network, receiving a request for retrieval of stored data from a user;	

NICE v. Witness, Civil Action No. 06-311-JJF (D. Del.)

U.S. PATENT No. 6,870,920	NICE'S DISPUTED CLAIM TERMS	WITNESS' DISPUTED CLAIM TERMS	NICE'S PROPOSED CONSTRUCTION	WITNESS' PROPOSED CONSTRUCTION
				(WSNSDE0009690-704) '920 Prosecution History, Notice of Allowability, pg. 2, dated October 4, 2004 (WSNSDE0010330-32).
	digital logger	digital logger	A device, system or software for recording, in digital form, audio data representing multiple concurrent telephone calls.	A device, system or software for recording audio in digital form.  Intrinsic evidence:
		:	Intrinsic evidence: col. 1: 51-57 col. 5: 1-12 col. 6: 66 - col. 7: 16	'920 Patent, FIGs. 1 and 4, 5:1-12, 5:42-60, 6:25-28, 6: 56-57, 5: 7:9-14, 7:38-54, 10:1323, 10: 26-31, 13:3-7, 13:21-28, (WSNSDE0010348-363).
			'372 Prosecution History, Response, pp. 8-11 (Oct. 2001)	'920 Prosecution History, Response to Sept. 17, 2003 Office Action pg. 6, dated February 11, 2004 (WSNSDE0010247-55).
		receiving a request for retrieval of stored data	This claim phrase has a plain meaning that is clear and does not require construction.	The Web server receives a request for retrieval of data stored in the digital logger.
			Intrinsic evidence: Figs. 4-6 col. 4: 29-33 col. 4: 57-67	<u>Intrinsic evidence:</u> '920 Patent, 1:14-17; 4:66-67; 5:5-6; 13:21-28; 15:17-20 (WSNSDE0010348-363).
		,	col. 5: 1-12	

retrieving said stored data from said information in accordance with the	1		
retrieving said stored data from said information in accordance with the		Ar	
retrieving said stored data from said information in accordance with the	•	col. 12: 65 - col. 13: 40	
retrieving said stored data from said information in accordance with the	•	col. 15: 7-36	
retrieving said stored data from said information in accordance with the	•	claims 2-6, 16-28	
accordance with the	retrieving stored	d This claim phrase has a plain	The Web server retrieves data
		require construction.	stored in the digital logger.
received request; and			Intrinsic evidence:
		<u>Intrinsic evidence:</u>	'920 Patent, 1:14-17; 4:66-67; 5:5-
		Figs. 4-6	6; 13:21-28; 15:17-20
	-	col. 4: 29-33	(WSNSDE0010348-363).
		col. 5: 1-12	
		col. 10: 66 - col. 11: 41	
		col. 12: 65 - col. 13: 40	
		col. 15: 7-36	
		claims 2-6, 16-28	- To
transferring the retrieved	transferring the	This claim phrase has a plain	The Web server sends the data
		require construction.	reureved monn die dignal 10ggel.
			<u>Intrinsic evidence:</u>
		Intrinsic evidence:	'920 Patent, 1:14-17; 4:66-67; 5:5-
		Figs 4-6	6; 13:14-28; 15:17-20
		col. 4: 29-33	(WSNSDE0010348-363).
	***************************************	col. 5: 1-12	
		col. 10: 66 - col. 11: 41	
		col. 12: 65 - col. 13: 40	
		col. 15: 7-36	

U.S. PATENT NO. 6,870,920	NICE'S DISPUTED CLAIM TERMS	WITNESS' DISPUTED CLAIM TERMS	NICE'S PROPOSED CONSTRUCTION	Witness' Proposed Construction
			claims 2-6, 16-28	
18. The method of claim 17 wherein the step of retrieving stored data comprises		retrieving stored data	This claim phrase has a plain meaning that is clear and does not require construction.	The Web server retrieves data stored in the digital logger.
accessing call information for a record of a communication channel made by said at least			Intrinsic evidence:	<u>Intrinsic evidence:</u> '920 Patent, 1:14-17; 4:66-67; 5:5-
one digital logger.			Figs 4-6 col. 4: 29-33	6; 13:14-28; 15:17-20 (WSNSDE0010348-363).
			col. 5: 1-12	1
			col. 10: 66 - col. 11: 41	
			col. 12: 65 - col. 13: 40	
			col. 15: 7-36	
			claims 2-6, 16-28	
		record of a communication channel	Stored voice and/or call information received from a communication channel.	A record identified by a communication channel.
			Intrinsic evidence:	<u>Intrinsic evidence:</u> '970 Patent 9·19-71·11·14_19-
		***************************************	col. 1: 40-52	11:46-47. (WSNSDE0010348-363).
			col. 2: 7-16	
			col. 2: 37-38	
			col. 3: 1-4	
			col. 5: 1-12	
			col. 8: 11-25	
			col. 9: 18-21	
			col. 10: 30-41	
			col. 11: 10-41	

U.S. PATENT NO. 6,870,920	NICE'S DISPUTED	WITNESS' DISPUTED	NICE'S PROPOSED CONSTRUCTION	WITNESS' PROPOSED CONSTRUCTION
	CLAIM TERMS	CLAIM TERMS		
			col. 13: 7-13	
	digital logger	digital logger	A device, system or software for recording, in digital form, audio	A device, system or software for recording audio in digital form.
			data representing multiple concurrent telephone calls.	Intrinsic evidence:
			<u>Intrinsic evidence:</u>	'920 Patent, FIGs. 1 and 4, 5:1-12, 5:42-60, 6:25-28, 6: 56-57, 5: 7:9-
	-		col. 1: 51-57	14, 7:38-54, 10:1323, 10: 26-31,
			col. 5: 1-12 col. 6: 66 - col. 7: 16	(WSNSDE0010348-363).
			'372 Prosecution History, Response, pp. 8-11 (Oct. 2001)	'920 Prosecution History, Response
				6, dated February 11, 2004 (WSNSDE0010247-55).
21. The method of claim 16 wherein the step of <b>retrieving</b> stored data comprises		retrieving stored data	This claim phrase has a plain meaning that is clear and does not require construction.	The Web server retrieves data stored in the digital logger.
accessing archived data at the Web server corresponding to a record of a communication			Intrinsic evidence:	<u>Intrinsic evidence:</u> '920 Patent. 1:14-17: 13:14-
channel made by said at least			Figs. 4-6	28(WSNSDE0010348-363).
one digital logger.			col. 4: 29-33	
			col. 5: 1-12	
			col. 10: 66 - col. 11: 41	
			col. 12: 65 - col. 13: 40	
		•	col. 15: 7-36	
			claims 2-6, 16-28	
		Web server	A component that provides access	A computer that receives a request

U.S. Patent No. 6,870,920	NICE'S DISPUTED CLAIM TERMS	WITNESS' DISPUTED CLAIM TERMS	NICE'S PROPOSED CONSTRUCTION	WITNESS' PROPOSED CONSTRUCTION
			to information accessible for a computer connected to the Internet or an intranet.	for stored data, retrieves the stored data, and transfers the data over the World Wide Web.
			<u>Intrinsic evidence:</u> Fig. 6 col. 4: 66-67 col. 5: 1-12	<u>Intrinsic evidence:</u> '920 Patent, 4:66-67; 5:1-8, 13:3-39; 15:6-20, 15:30-33 (WSNSDE0010348-63);
			col. 12: 65 - col. 13: 55 col. 15: 7-36	'372 Patent, 4:51-58,12:11-43 (WSNSDE0009798-813).
				'372 Prosecution History, Amendment pg. 13, dated September 24, 2001 (WSNSDE0009690-704);
				'920 Prosecution History, Notice of Allowability, pg. 2, dated October 4, 2004 (WSNSDE0010330-32).
		record of a communication channel	Stored voice and/or call information received from a communication channel.	A record identified by a communication channel.
			<u>Intrinsic evidence:</u> col. 1: 40-52	<u>Intrinsic evidence:</u> '920 Patent, 9:19-21; 11:14-19; 11:46-47 (WSNSDE051297-99).
			col. 2: 37-38 col. 3: 1-4	

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U.S. PATENT NO. 6,870,920	NICE'S	WITNESS'	NICE'S PROPOSED	WITNESS' PROPOSED
	DISPUTED CLAIM TERMS	DISPUTED CLAIM TERMS	Construction	CONSTRUCTION
			col. 5: 1-12	
			col. 8: 11-25	
			col. 9: 18-21	
			col. 10: 30-41	
			col. 11: 10-41	
		;	col. 13: 7-13	
	digital logger	digital logger	A device, system or software for recording, in digital form, audio data representing multiple	A device, system or software for recording audio in digital form.
			concurrent telephone calls.	Intrinsic evidence:
			Intrincic exidence.	'920 Patent, FIGs. 1 and 4, 5:1-12,
			col 1: 51-57	5:42-60, 6:25-28, 6: 56-57, 5: 7:9-
			COL. 1. 01-07	14, 7.30-34, 10.1323, 10. 20-31,
			col. 5: 1-1 <i>2</i>	13:3-7, 13:21-28, (XXCNSDE0010348 363)
			col. 6: 66 - col. 7: 16	(WSINSDEOUIU340-303).
			'372 Prosecution History, Response, pp. 8-11 (Oct. 2001)	'920 Prosecution History, Response
				6, dated February 11, 2004 (WSNSDE0010247-55).

WITNESS' PROPOSED CONSTRUCTION			nables Device that initiates, establishes and enables a conference call.  Intrinsic evidence: '109 Patent, 5:6-10; 5:46-52; 6:17-32; 6:58-63 (WSNSDE0010653-67).  Prosecution History of U.S. Pat. No. 7,010,106 ('106 Prosecution History), Response to Final, pg. 20-21, dated September 11, 2005 (WSNSDE051234-55).
NICE'S PROPOSED CONSTRUCTION			A component that initiates, enables and/or establishes a conference call <a href="mailto:lintrinsic evidence:">lintrinsic evidence:</a> col. 2: 27-32 col. 3: 39-43 col. 5: 9-10 col. 5: 46-52 col. 6: 21-23 col. 6: 59-63
Witness' Disputed Claim Terms	·		conference
NICE'S DISPUTED CLAIM TERMS			confroller
U.S. PATENT NO. 7,010,109	1. A method for recording at least a portion of one or more of a plurality of IP data sessions, each being between at least a first communication device and a second communication device through a network by a recording device, comprising for each IP data session:	initiating the data session by said first communication device with said second communication device;	implementing the data session as a conference call through a conference controller such that said first and second communication devices are connected, respectively, as first and second participants;

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U.S. PATENT NO. 7,010,109	NICE'S DISPUTED CLAIM TERMS	WITNESS' DISPUTED CLAIM TERMS	NICE'S PROPOSED CONSTRUCTION	WITNESS' PROPOSED CONSTRUCTION
				'109 Prosecution History, Amendment Under 37 C.F.R. 1.111, pg. 26-27, dated October 6, 2005 (WSNSDE0010597-625).
		through a conference controller	By use of a conference controller.  Intrinsic evidence:	The data packet transmissions of the IP data session pass through the conference controller.
			col. 5: 9-14	Intrinsic evidence: '124 Application, pg. 3; (WSNSDE051300-22).
				'109 Patent, 2:5-12; 2:27-31; 5:2-10; 5:22-6:2; 6:17-32; 6:58-63 (WSNSDE0010653-67).
				'106 Prosecution History, Response, pg. 6-7, dated December 19, 2004 (WSNSDE051165-72).
				'109 Prosecution History, Amendment Under 37 C.F.R. 1.111, pg. 26-27, dated October 6, 2005 (WSNSDE0010597-625).
using the conference controller, selectively entering the recording		recording device	A device which records IP audio and/or video data.	Participant to a session that receives data for recording and monitoring
device to said conference call as an additional	·		Intrinsic evidence:	connection or port in the network.

U.S. Patent No. 7,010,109	NICE'S DISPUTED CLAIM TERMS	WITNESS' DISPUTED CLAIM TERMS	NICE'S PROPOSED CONSTRUCTION	WITNESS' PROPOSED CONSTRUCTION
participant, wherein the recording device is distinct from the first and second communication devices yet receives as the additional participant at least the portion of the IP data session from each of the first and second participants; and	·		col. 2: 2-8	Intrinsic evidence: '109 Patent, 4:44 – 5:5; 5:32-51; 6:16-45. (WSNSDE0010653-67).
		entering the recording device to said conference call as an additional participant	NICE has provided constructions for "recording device," "conference call," and the parties have agreed to a construction for "participant." The remaining words have a plain meaning that is clear and do not require further construction.  Intrinsic evidence: See citations to intrinsic evidence for "recording device" and "conference call."	Joining the recording device to the conference call as an additional participant after the conference call has been established between the first and second participants.  Intrinsic evidence:  This is based on the plain language of the claim.
	IP data session		Communication which includes transmission of IP audio and/or video data.  Intrinsic evidence:  col. 1: 40-41  col. 2: 8-12  col. 3: 15-22	The plurality of data packet transmission between any two or more communication devices.  Intrinsic evidence: '109 Patent, col. 1, Il. 38-55; 2:5-12; 3:15-25; 3:36-43; 4:9-16; 4:65-5:5; 5:22-39; 5:53-6:2; 6:11-13;

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U.S. PATENT NO. 7,010,109	NICE'S Disputed Claim Terms	WITNESS' DISPUTED CLAIM TERMS	NICE'S PROPOSED CONSTRUCTION	WITNESS' PROPOSED CONSTRUCTION
			col. 4: 9-24	6:17-32; (WSNSDE0010653-67).
				Provisional Application No. 60/228,124 (the '124 Application), pg. 3 (WSNSDE051300-22).
				'106 Prosecution History, Response, pg. 6-7, dated December 19, 2004 (WSNSDE051165-72), Response, pg. 9; dated April 14, 2005 (WSNSDE051208-16), Response to Final, pg. 20-21, dated September 11, 2005 (WSNSDE051234-55).
				'109 Prosecution History, Amendment Under 37 C.F.R. 1.111, pg. 25-26, dated October 6, 2005. (WSNSDE0010597-625).
		the portion of the IP data session	At least a part of one or more of a plurality of IP data sessions.  Intrinsic evidence: col. 3: 23-25 col. 7: 6-7	All the data packets transmitted between the first and second participants during the part of the IP data session being recorded.  Intrinsic evidence: '109 Patent, col. 1, Il. 38-55; 2:5-12; 3:15-25; 3:36-43; 4:9-16; 4:65-5:5; 5:22-39; 5:53-6:2; 6:11-13; 6:17-32; (WSNSDE0010653-67).

AMENDED JOINT CLAIM CONSTRUCTION

#### Response, pg. 6-7, dated December 19, 2004 (WSNSDE051165-72), Response to Final, pg. 20-21, dated 60/228,124 (the '124 Application), 1.111, pg. 25-26, dated October 6, 2005. (WSNSDE0010597-625). Response, pg. 9; dated April 14, 2005; (WSNSDE051208-16), Amendment Under 37 C.F.R. Provisional Application No. pg. 3, paragraphs 1 and 2; (WSNSDE051300-22). '106 Prosecution History, '109 Prosecution History, WITNESS' PROPOSED (WSNSDE051234-55) September 11, 2005; CONSTRUCTION NICE'S PROPOSED CONSTRUCTION **CLAIM TERMS** DISPUTED WITNESS' CLAIM TERMS DISPUTED NICE'S recording at least the portion U.S. PATENT NO. 7,010,109 conference call using said received as the additional of the IP data session participant of said recording device.